



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, 7 May 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

Agenda

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| 1 | Apologies for Absence. | |
| 2 | Disclosures of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Minutes.
To approve & sign the Minutes of the previous meeting(s) as a correct record. | 1 - 4 |
| 4 | Items for Deferral/Withdrawal. | |
| 5 | Determination of Planning Applications under the Town & Country Planning Act 1990. | 5 - 171 |

Next Meeting: Thursday, 4 June 2019 at 2.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Tuesday, 30 April 2019

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 2 April 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)

L S Gibbard
R D Lewis
D W W Thomas

Councillor(s)

M H Jones
P B Smith
L J Tyler-Lloyd

Also Present:

Councillors C R Doyle, J A Hale, L James, C E Lloyd, P M Matthews, I E Mann, P N May, A Pugh, R V Smith C Stewart & M Sykes

Apologies for Absence

Councillor(s): P M Black

58 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:

Councillors C Anderson, L S Gibbard, M H Jones, M B Lewis, P Lloyd, P B Smith, A H Stevens, D W W Thomas & T M White – Minutes No 61 – Item 6 – 2019/0319/TPO – Personal – Applicant is a fellow Councillor.

59 Minutes.

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

60 Items for Deferral/Withdrawal.

None.

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

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 application **Be Deferred** pending a decision from Welsh Government on the call-in request.

#(Item 1) – Planning Application 2018/2059/FUL - Small scale waste to energy recovery facility including extension to existing building, external plant, associated structures and 25m chimney stack at Biffa Waste Services, Clarion Close, Swansea Enterprise Park, Swansea

Prior to deferral – report updated as follows:

Call In Request Update

Page 41 of the report indicates that a request has been made for the application to be called-in for determination by the Welsh Ministers. The Minister has now issued a Holding Direction preventing the Council from granting planning permission without the prior authorisation of the Welsh Ministers. The holding direction has been issued to allow the Welsh Ministers further time to consider whether the application should be referred to the Welsh Ministers for decision.

The Direction does not prevent the Local Planning Authority from continuing to process the application. Committee can refuse the application or resolve to approve the application but the Council cannot issue a planning permission without the prior authorisation of the Welsh Ministers.

Other updates

At the bottom of page 42, details of the specific waste types on the draft environmental permit are provided. Pollution control officers have indicated that wastes from human or animal healthcare and/or related research no longer forms part of the specific waste types on the draft environmental permit.

The Stakeholder Engagement Unit of the Education department has indicated that having considered the advice provided by the Council's Pollution Control Division, Natural Resources Wales and Abertawe Bro Morgannwg University Health Board the Education Department's objection is withdrawn.

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

#(Item 2) – Planning Application 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) at Land North Of Pennard Road And East Of, Pennard Drive, Southgate, Swansea

A visual presentation was provided.

Phil Baxter (agent) and Gary Gregor (objector) addressed the committee.

Councillor L James (Local Member) addressed the committee and outlined her objections to the proposals.

Report updated as follows:

Page 117 – Drainage – second para – replace sentence with “Dwr Cymru / Welsh Water (DCWW) have confirmed that they raise no 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”

Twenty five additional late letters of objection have been received reiterating the objections previously received.

Late of objection received from Councillor Lynda James.

Three additional late letters of objection from Pennard Community Council received.

Application approved subject to a Section 106 Planning Obligation.

#(Item 4) – Planning Application 2019/0163/FUL - Retention of use as a 7 bedroom HMO at 105A Walter Road, Swansea

A visual presentation was provided.

Hywel Purchase (agent) addressed the committee.

Councillors I Mann & P N May (Local Members) addressed the committee and outlined their objections to the proposals.

#(Item 5) – Planning Application 2019/0191/FUL - Change of use from residential (Class C3) to 3 bed HMO (Class C4) for 3 people at 39 Foxhole Road, St Thomas, Swansea

A visual presentation was provided.

John Row (objector) addressed the committee.

Councillors J A Hale & C E Lloyd (Local Members) addressed the committee and outlined their objections to the proposals.

#(Item 6) – Planning Application 2019/0319/TPO - To crown reduce by 5 metres and lop 7 Oak trees covered by TPO 100 at Land Adjacent To 52 Denbigh Crescent, Ynysforan, Swansea

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

#(Item 3) – Planning Application 2019/0239/FUL - Construction of 20 bungalows (affordable) with associated drainage works and amenity space at Land Off, Heol Pentre Bach, Gorseinon, Swansea

A visual presentation was provided.

Jason Evans (agent) addressed the committee.

Councillor R V Smith (Local Member) addressed the committee and outlined his support for the officer recommendation of refusal.

62 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.

The Head of Planning and City Regeneration presented a report which sought authorisation to modify the S106 agreement (planning obligation) for the development at Heol Pentre Bach.

The background to the original application's approval was outlined and detailed in the report.

The main issues relating to the wording of the original Section 106 agreement that had been highlighted subsequently were also outlined.

Resolved that 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 be approved.

The meeting ended at 4.00 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: 7th April 2019

Bay Area Team Leader Liam Jones - 635735	Area 1 Team Leader: Ian Davies - 635714	Area 2 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 Small scale waste to energy recovery facility including extension to existing building, external plant, associated structures and 25m chimney stack	Approve
2	2019/0450/S73	Land Off Summerland Lane, Newton, Swansea, SA3 4RS Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works (Variation of condition 2 of planning permission 2017/1948/FUL granted 1st August 2018 to allow for an amendment to the proposed highway works)	Approve
3	2019/0431/FUL	39 Pennard Road, Pennard, Swansea, SA3 3JY First floor rear extension and addition of pitched roof to existing two storey rear extension	Approve
4	2019/0171/FUL	18 Chapel Street, Mumbles, Swansea, SA3 4NH Change of use from residential (Class C3) to guesthouse (Class C1) with 4 no. rear roof lights	Approve
5	2018/2622/FUL	Land To The East Of Hill View Crescent, Clase, Swansea, SA6 7HW 2 form entry Primary school, including means of access, parking, outdoor recreational facilities, landscape treatment and drainage infrastructure.	Approve
6	2018/2691/RG3	YGG Gwyr Comprehensive School, Talbot Green, Gowerton, Swansea, SA4 3DB Construction of a two storey detached education block (including seven classrooms, learning resource room, kitchen, dining hall / multiuse area and WC's), installation of external artificial playing surfaces, addition of 4 windows to former drama block, new access road, 16 space car parking area with associated sprinkler and bin store buildings (Council Development Regulation 3)	Approve

Item	App. No.	Site Location	Officer Rec.
7	2018/2600/S73	<p>Hendrefoilan Student Village, Access Road From Gower Road Via Ffordd Yr Olchfa, Sketty, Swansea, SA2 7PG</p> <p>Demolition of the existing student accommodation and other University buildings and comprehensive residential re-development of the site, with access road infrastructure, public open space, woodland planting and associated works (outline with all matters reserved) - Section 73 application / variation of Condition 3 to extend timescale for submission of reserved matters of Planning Permission 2014/1192 granted 6th January 2016</p>	Approve

Item 1

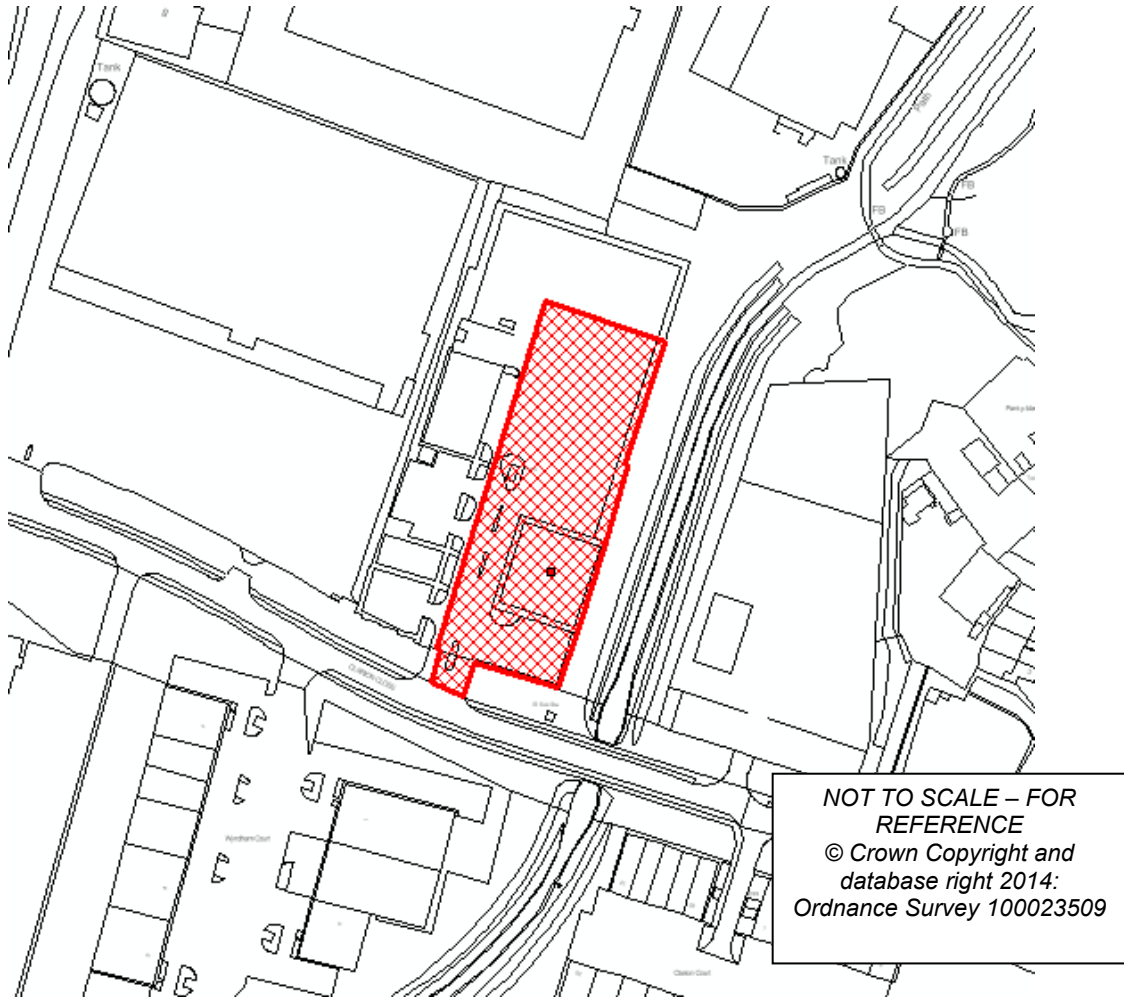
Application Number: 2018/2059/FUL

Ward: Llansamlet - Area 1

Location: Biffa Waste Services, Clarion Close, Swansea Enterprise Park, Swansea, SA6 8QZ

Proposal: Small scale waste to energy recovery facility including extension to existing building, external plant, associated structures and 25m chimney stack

Applicant: Mr M Kalsi Biffa Waste Services Ltd



Policies

LDP - HC1 - Historic and Cultural Environment

Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

LDP - HC2 - Preservation or Enhancement of Buildings and Features

Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance 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 - 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.

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.

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

2018/2059/FUL

Small scale waste to energy recovery facility including extension to existing building, external plant, associated structures and 25m chimney stack

PDE

Background Information

This application was reported to the Planning Committee meeting held on 2nd April when a decision on the application was deferred pending a decision from Welsh Government on the request to call-in the application for determination. On 17th April 2019, a decision letter was issued confirming that it was not considered that the application should be called in for determination by the Welsh Ministers and it is now for this Authority to determine the application as it sees fit. A copy of the letter is produced as appendix 1 to this report.

My report has been updated to take into account observations received since the last committee report was prepared. My recommendation of approval remains.

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.

Further objections have been received since the application was presented to Committee on 2nd April.

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 NO₂ and PM₁₀ already exceed UK Air Quality Standards. Therefore this plant will only add to the problem.
9. Biffa's claims of CO₂ savings by not transporting waste to Merthyr are misleading. The proposed incinerator would generate 9,618 tonnes of CO₂ from processing 21,000 tonnes of waste. The amount of CO₂ saved in transport is much less than the CO₂ 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_{2.5} air pollution level by 30% above the maximum limit (of 10 micrograms per cubic metre). This proposed plant will drive this breach even higher.
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).
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.
41. Concerns the fall out from the development could be felt in Morryston, 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.
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 is 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. 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.

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.

Education

The Stakeholder Engagement Unit of the Education department has indicated that having considered the advice provided by the Council's Pollution Control Division, Natural Resources Wales and Abertawe Bro Morgannwg University Health Board the Education Department's objection is withdrawn.

Natural Resources Wales 30.10.18

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

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.

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);
- 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. 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.

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 modeling 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."

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 (NO₂), particulate matter (PM₁₀ / PM_{2.5}), sulphur dioxide (SO₂), Volatile Organic Compounds (VOC) in the form of Benzene (C₆H₆), 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 (NO₂ and PM₁₀s/PM_{2.5}s) modelled results at nearby sensitive (residential) receptors, show the PC for long term NO₂ emissions to be 7.52% or less as a percentage of the AQO (Max PC=3.01ug/m³; AQO = 40ug/m³) whilst short term NO₂ emissions are 4.05% or less as a percentage of the AQO (Max PC = 8.10ug/m³; AQO = 200ug/m³).

Maximum predicted PC for long term PM₁₀ emissions at receptors is 0.53% or less as a percentage of the AQO (Max PC = 0.214ug/m³; AQO 40ug/m³) whilst short term PM₁₀ emissions are 3.29% or less as a percentage of the AQO (Max PC=1.65ug/m³; AQO = 5ug/m³). Long term PM_{2.5} emissions are 0.86% or less as a percentage of the AQO Target Value (Max PC=0.214ug/m³; AQO TV = 25ug/m³). 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/day².

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 CO₂ 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.

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 guidelines³ 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.

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).

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. 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.

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.

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.

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. 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.

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.

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.

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.

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.

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 plant on Ferryboat Close, Swansea Enterprise Park, before being transported by lorries to Trecatti Landfill at Merthyr Tydfil.

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 waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use
- 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.

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.

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 a 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.

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.

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.

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 (NO₂), particulate matter (PM₁₀), sulphur dioxide (SO₂), Volatile Organic Compounds (VOC) in the form of Benzene (C₆H₆), 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.

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.

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).

Predicted long-term and short-term maximum ground level concentrations of all modelled pollutants and heavy metals, including dioxins and furans, Chromium (VI), polychlorinated biphenyls and polycyclic aromatic hydrocarbons (benzo[a]pyrene), were assessed to be below the relevant long-term and short-term AQOs/EALs for the protection of human health. Moreover, the ES considers the impact from NO₂ emissions would be negligible on the AQMA.

The ES reports that for long-term NO₂ emissions, the predicted process contributions at all modelled receptors range from 0.03 to 3.01 ug/m³, when using 2012 met data (the year resulting in maximum long-term PC concentrations). The percentage change in process concentrations relative to the AQAL as a result of the facility operations at all receptor locations, with respect to NO₂ exposure, are determined to be 7.52% or less for the existing receptors. The significance is determined to be 'negligible' to 'slight' for all receptors.

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.

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.

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".

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.

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; Fendrod 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.

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 settlement¹ ; or,

- 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.

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.

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.

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.

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.

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 CO₂ and this is a valid concern. In response to this concern, it is acknowledged that the incineration process will produce CO₂ 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 to be a vital component of the waste management system in Wales. Any negative impacts arising from CO₂ 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. 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.

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 (RDF). 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. 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.

- 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.

- 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.

- 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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Llywodraeth Cymru
Welsh Government

Mr P Holmes
Head of Economic Regeneration and Planning Services.
City and County of Swansea
County Hall
Swansea SA13SN

By Email: Phillip.Holmes@swansea.gov.uk

Ein Cyf/Our ref: qA1365761
Eich Cyf/Your ref: 2018/2059/FUL
Dyddiad/Date: 17 April 2019

Dear Mr Holmes

**TOWN AND COUNTRY PLANNING ACT 1990- SECTION 77 CALL-IN REQUEST.
CONSTRUCTION OF SMALLSCALE WASTE ENERGY RECOVERY FACILITY
INCLUDING EXTENSION TO EXISTING BUILDING, EXTERNAL PLANT, ASSOCIATED
STRUCTURES AND 25M CHIMNEY STACK AT CLARION CLOSE, SWANSEA
ENTERPRISE PARK, SWANSEA, SA6 SQZ.
APPLICATION NO:2018/2059/FULL**

The Welsh Ministers have been asked to call in the above application for their own determination. I am authorised by the Minister for Housing and Local Government, to consider whether the application should be called in for determination by the Welsh Ministers.

Policy

The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales (Edition 10 December 2018). The Welsh Government considers Local Planning Authorities, as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance. The consideration of a request to call in an application is not about the acceptability of the development and whether planning permission should be granted; it is concerned with who should make the decision.

The requests for the application to be called included the following concerns:

- "Development is contrary to Well-being of Future Generations Act on the following aspects:
 1. Proximity of incinerators to schools and homes
 2. Development of Welsh Language
 3. Climate change implications"
- "Impact of the proposal on the air quality in the area and the M4 corridor and the emissions data provided in the Environments Impact Assessment does not tally with the Environment Agency guidance on C02 emissions generated".
- "Long term health implications".
- "Adjacent land is a nature reserve including otters, kingfishers, herons and numerous species of bats which are all protected under the Wildlife and Countryside Act 1981"
- "Recyclable materials will be incinerated reducing the national recycling rates"
- "The developer will not be putting in place the infrastructure required for the district heating benefits, nor have they identified housing which may benefit from this scheme".

Consideration

Consideration has been given to the concerns expressed in the call-in requests and the contents of the Planning Officer's Report to the Planning Committee. It is considered the Local Planning Authority has assessed the application against relevant national and local planning policies and provided reasoned conclusions for its decision.

The site is within Swansea Enterprise Park. The proposed development is for an incinerator, in order to incinerate non-recyclable materials on site, with recyclable materials being transported elsewhere for reuse. The proposed incinerator is intended to generate energy to be passed on to the National Grid. The proposal also includes plans for heat generated on-site to be used for potential district heating schemes.

- **"Development is contrary to Well-being of Future Generations Act on the following aspects:**
 - 1. Proximity of incinerators to schools and homes**
 - 2. Development of Welsh Language**
 - 3. Climate change implications"**

The LPA has recently adopted its LOP. As part of the examination of the LOP, it was scrutinised for its compliance with Planning Policy Wales, and other national policies. The officer's report has regard for the Wellbeing Act and the duties it places upon the LPA. It also refers to the expression of those duties in Planning Policy Wales Edition 10.

- **"Impact of the proposal on the air quality in the area and the M4 corridor and the emissions data provided in the Environmental Impact Assessment does not tally with the Environment Agency guidance on C02 emissions generated"**.

The developer has provided revised, more detailed elements of the Environment Statement in response to concerns regarding emissions. This includes an updated assessment of the air quality impacts of the proposal against World Health Organisation guideline values. The Environment Statement concludes the proposals would not exceed current World Health Organisation guideline values. In our view the LPA has given these matters, including the concerns raised by third parties, due consideration and has come to an informed conclusion.

- **"Adjacent land is a nature reserve including otters, kingfishers, herons and numerous species of bats which are all protected under the Wildlife and Countryside Act 1981"**

The impact of the proposal on sites of scientific, nature conservation or historic interest, or areas of landscape importance have been taken into account by the Local Planning Authority in reaching its decision. The Local Planning Authority has concluded 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.

- **"Long term heath implications"**

Whilst the risk of pollution arising from the development is a material consideration, this is controlled by a separate regime, and the officer's report identifies these controls. Sufficient regard has been shown for these issues in the report.

- **"Recyclable materials will be incinerated reducing the national recycling rates"**

The officer's report refers to the waste hierarchy identified in TAN 21. The report states recyclable material will be sorted and stored on site before onward transfer, and not incinerated. It identifies that incineration of non-recyclable waste will generate C02, but also states that this method of waste disposal is preferable to disposal in landfill, which is the alternative if the scheme is not approved. The officer's report has due regard for national policy and technical advice, and the potential environmental impact arising from the incineration of non-recyclable waste.

- **"The developer will not be putting in place the infrastructure required for the district heating benefits, nor have they identified housing which may benefit from this scheme".**

The issue of identifying direct beneficiaries of a district heating scheme is considered to be a local matter.

The development proposal has been considered for its accordance with Welsh Government placemaking objectives. The Local Planning Authority has considered environmental, health, flooding and economy impacts arising from the development. It is considered the Local Planning Authority has assessed the application against relevant national and local planning policy and provided reasoned conclusions for its decision.

The proposal is unlikely to have wide effects beyond the immediate locality and, whilst there has been some opposition to the application, this does not equate to substantial controversy beyond the immediate locality. The application does not raise issues of national security, nor does it raise novel planning issues.

Decision

Having assessed the issues associated with the call-in request and, in light of the Welsh Government's policy on call-in, I do not consider those issues raised are of more than local importance in this instance. In view of this, **I do not consider the application should be called-in** for determination by the Welsh Ministers and it is now for your Authority to determine the application as it seems fit.

In reaching this conclusion the planning merits of the application were not taken into account and the decision not to call in the application should not in any way be taken as a reflection on the planning merits of the development.

In exercise of their functions under Part 3 of the Town and Country Planning Act 1990, the Welsh Ministers must ensure the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales. As part of this consideration the Welsh Ministers have taken into account the ways of working set out at section 5(2) of the Well-being of Future Generations (Wales) Act 2015 (WFG Act), which is supported by Part 4 of 'Shared Purpose Shared Future 1: Core Guidance: Statutory Guidance on the WFG Act'.

It is considered this decision is in accordance with guidance issued by the Welsh Ministers under section 14 of the WFG Act and the seven well being goals by contributing to the sustainable development principle and the well-being objective of 'Building healthier communities and better environments' and 'Building resilient communities, culture and language'. The decision not to call in the application will contribute towards this objective by enabling your Authority to proceed to determine the application.

In exercise of my powers, the Direction issued by the Welsh Ministers under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 on 26 March 2018 for planning application 2018/2059/FULL is hereby cancelled.

Planning Committee – 7th May 2019

It would assist us if a copy of the planning decision, relating to this application, could be sent to my colleague, Nicola Middleton (E-mail Nicola.Middleton@gov.wales).

Yours sincerely

T Davies

**Head of Decisions Branch Planning
Directorate**

Arwyddwyd o dan awdurdod Y Gweinidog Tai a Llywodraeth Lleol; un o Weinidogion Cymru.
Signed under authority of the Minister for Housing and Local Government; one of the Welsh Ministers.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Planning Committee – 7th May 2019

Item 2 (Cont'd)

Application Number:

2019/0450/S73

Background Information

Policies

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 - 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.

Site History

App Number	Proposal	Status	Decision Date
2019/0450/S73	Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works (Variation of condition 2 of planning permission 2017/1948/FUL granted 1st August 2018 to allow for an amendment to the proposed highway works)	PDE	
2017/1948/FUL	Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works	S106	01.08.2018
2018/1761/DOC	Discharge of conditions: 6 (drainage), 8 (management and maintenance of streets), 10 (CEMP), 11 (SWMP), 12 (CMS), 15 (tree & hedgerow protection), 16 (landscaping), 17 (hard & soft landscape works), 18 (Ecology), 19 (hedgerow management) & 20 (materials) of Planning Permission 2017/1948/FUL granted on 1st August 2018.	APP	23.11.2018

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2018/1870/NMA	Non-Material Amendment to Planning Permission 2017/1948/FUL granted 1st August 2018 to allow removal of all chimneys, all drawings revised to show 225mm (from finished floor level) stone work plinth, revisions to Pembroke house type roof span, revisions to screen wall designs and revised finishes to Plot 1.	APP 12.10.2018
2019/0302/DOC	Discharge of condition 15 (tree and hedgerow protection) of Planning Permission 2017/1948/FUL granted 1st August 2018	APP 12.03.2019
2019/0450/S73	Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works (Variation of condition 2 of planning permission 2017/1948/FUL granted 1st August 2018 to allow for an amendment to the proposed highway works)	PDE

RESPONSE TO CONSULTATIONS

Eighteen local residents were directly consulted and the application has been advertised by way of site notices.

No letters of objection have been received.

Mumbles Community Council

No objection but concern expressed that the proposed positioning of the Zebra Crossing will require school children to cross the busy Slade Road to get to school.

Dwr Cymru / Welsh Water

We have no comments to make on the application for variation of condition 2 of planning permission 2017/1948/FUL, subject to compliance with condition 5 and drainage details approved in conjunction with condition 6 (ref 2018/17491/DOC).

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Head of Engineering and Transportation

The original improvement works could not be implemented due to an issue over land ownership (some of the council land was actually common land). This revised scheme only uses land in highways and/or CCS ownership, as such it can be completed with no issues under a section 278 Agreement which is currently being drafted.

I recommend that no highway objections are raised to the proposals subject to the works being completed under a Section 278 Agreement with the Highway Authority.

APPRAISAL

The application is reported to Planning Committee for determination, as the original planning permission to which this variation relates, has a site area exceeding 2 hectares.

Planning permission is sought to vary Condition 2 of planning permission Ref 2017/1948/FUL to revise the approved plans relating to the off-site highway works only.

Following the approval of the original planning permission, it has become apparent that some of the proposed works on Summerland Lane do not fall within Highways land, and are in fact on Common Land. As such, the applicant cannot carry out these proposed works under the terms of the planning permission and this application seeks to amend the approved plans to show the following alternative highway improvements:

- o works to be provided along Summerland Lane (i.e. the section of road which includes Caswell Drive, Long Shepards Drive and Woollacott Drive), including resurfacing to road and footpaths, new kerbs and lining works for pedestrian crossings, double yellow lines, bus stop markings and widening; and
- o a zebra crossing and associated works on Newton Road

Specifically, with regard condition 2, this application will replace approved plan W173072_A05 Rev C - Proposed Site Access Arrangements & Summerland Lane Improvement Received 6th December 2017, with amended plan 18_P_017 - Summerland Lane / Newton Highway Improvements Section 106 TCPA 1990 Variation Plan received 26th February 2019.

The main issues for consideration in this instance therefore are the impacts of the proposed development on highway safety having regard to the provisions of policies T1 and T5 of the adopted Local Development (Feb 2019). There are no overriding matters with regard to the provisions of the Human Rights Act.

Section 73 procedure

As a Section 73 application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and:

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- a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) If they decide that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

An application under Section 73 may only be made where the original permission is still live. Where an application has expired, a fresh application for planning permission is required and the Authority would not be restricted on considering the conditions only. Case law has established however, that determination of a S73 application beyond the expiry of the application can be made, provided the application was made prior to the expiry of the application.

Transportation and Highway Safety

The Head of Engineering and Transportation has confirmed that the original improvement works could not be implemented due to the location of Common Land, and that the proposed works are acceptable.

The revised scheme as shown on the submitted plan relates to land in Highway Authority and/or Council ownership and as such it can be completed without issue under the Section 278 Agreement.

No highway objections are raised to the proposals subject to the works being completed under a Section 278 Agreement with the Highway Authority.

As such, as no highway objections are raised to the revised plans, the application is considered to be acceptable in this regard.

Response to Consultation

With regard to the comment made by the Mumbles Community Council relating to the zebra crossing on Newton Road, there is no change to the approved position of the zebra crossing, and as such, it will be installed as previously approved.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the proposal is considered to be acceptable and would not have a harmful impact upon highway safety and complies with the provisions of polices T1 and T5 of the LDP.

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

RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a S106 Planning Obligation (or deed of variation) to provide S106 Planning Obligation to provide:

- o **31 Affordable housing units (51%) on the site comprising 12 social rent units (38%) provided at 42% ACG and DQR compliant, and 19 low costs home ownership (intermediate) (62%) provided at 70% ACG and DQR compliant. The design and 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: 17023(05) 102 Rev G - Proposed Site Plan received on the 1 December 2017.**
- 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 and pumping station).**
- o **Highways:**
 - a) **Prior to any works commencing on site, the access only signage at either end of Caswell Avenue shall be erected.**
 - b) **At 50% occupation of the dwelling houses, the remainder of the works as outlined on Vectos drawings W17032_A06 and 18_P_017 - Summerland Lane / Newton Highway Improvements Section 106 TCPA 1990 Variation Plan to be implemented and brought into beneficial use.**
- o **A Management and Monitoring fee of £4,020 (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 shall be carried out in accordance with the following approved plans and documents:

17032(05) 100 Rev B - Site Location Plan
17032(05) 106 - Boundary Type A Details
17032(05) 107 - Boundary Type B Details
17032(05) 206 Rev C - Pembroke House Type - Gable Front
17032(05) 208 Rev C - Pennard House Type – Plans

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17032(05) 210 Rev C - Camrose House Type - Gable Front
17032(05) 212 Rev C - Caernarfon House Type - Option 1
17032(05) 214 Rev C - Cennen House Type - Stone
17032(05) 228 Rev A - Summerland House Type
17032(05) 230 Rev B - Garages (Sheet 1) - Plans And Elevations
17032(05) 231 Rev A - Garages (Sheet 2) - Plans And Elevations
W173072-AT_B01 Rev A - Refuse Vehicle Swept Path Analysis
Received on 1st September 2017.

W173072_AT_C03 Rev D - Refuse Swept Path Analysis For private Drive Access From Summerland Lane
Received on 3rd October 2017.

17032(05) 229 Rev B - 1b2p Apartments - Plans and Elevations
17032(05) 226 Rev C - Harlech House Type - Timber
17032(05) 223 Rev D - Affordable 3b5p House Type - Timber
17032(05) 222 Rev D - Affordable 3b5p House Type - Render
17032(05) 220 Rev D - Affordable 2b3p Bungalow
17032(05) 209 Rev D - Pennard House Type - Elevations
17032(05) 205 Rev D - Oystermouth House Type - Timber Opt 2
17032(05) 204 Rev D - Oystermouth House Type - Timber Opt 1
17032(05) 203 Rev D - Harlech Integ House Type - Timber
17032(05) 202 Rev D - Harlech Integ House Type - Stone
17032(05) 201 Rev D - Carew House Type - Timber
17032(05) 200 Rev D - Carew House Type - Stone
Received On 10th November 2017.

W173072_AT_D01- Site Internal Swept Path Analysis_Refuse vehicle site spine road swept path analysis
17032(05) 213 Rev E - Caernarfon House Type Option 3
17032(05) 215 Rev D - Cennen House Type - Timber
17032(05) 227 Rev C - Harlech House Type - Stone
Received 15th November 2017.

2979_220 Rev A - Setting Out Information
2979_211 Rev A - Long Sections - Sheet 2
2979_210 - Long Sections - Sheet 1
2979_100 Rev D - Drainage Schematic
17032(05) 108 Rev A - Refuse Strategy
Received 21st November 2017.

17032(05) 211 Rev D - Camrose House Type - Non gable front
17032(05) 105 Rev D - Materials And Enclosures Layout
17032(05) 102 Rev G - Proposed Site Plan
Received 1st December 2017.

W173072_A06 - Newton Road Zebra Crossing
Received 6th December 2017.

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17032(05) 109 - Boundary Type C Details
received 11th December 2017.

The following plans were approved via Non-Material Amendment application (2018/1870/NMA) by the City and County of Swansea Council on the 8th October 2018: Drawing No. NB55.C.S Caernarfon House Type, Stone, Drawing No. NB55.C.R Caernarfon House Type, Render, Drawing No. NB55.PL.CS1 Camrose House Type, Gable Fronted, Drawing No. NB55.PL.CS2 Camrose House Type, Drawing No. NB55.PL.CW.S Carew House type, Stone, Drawing No. NB55.PL.CW.T Carew House Type, Timber, Drawing No. NB55.CE.S Cennen House Type, Stone, Drawing No. NB55.CE.T Cennen House Type, Timber, Drawing No. NB55.D Dinefwr House Type, Drawing No. NB55.PL.H1.S Harlech (with integ) House Type, Stone, Drawing No. NB55.PL.H1.T Harlech (with integ) House Type, Timber, Drawing No. NB55.PL.H2.S Harlech House Type, Stone, Drawing No. NB55.PL.H2.T Harlech House Type, Timber, Drawing No. NB55.O.R Oystermouth House Type, Render, Drawing No. NB55.O.R Oystermouth House Type, Render, Drawing No. NB55.PL.PB Pembroke House Type, Drawing No. NB 55.P.02 Pennard House Type Elevations, Drawing No. NB55.P.01 Pennard House Type Plans, Drawing No. NB55.PL.1B2P 1B2P Apartments, Drawing No. NB55.PL2B3P 2B3P Bungalow, Drawing No. NB55.3B5P.R 3B5P House Type, Rendred, Drawing No. NB55.3B5P.T 3B5P House Type, Timber, Drawing No. NB55.PL.G.01 Garages (Sheet 1), Drawing No. NB55.PL.G.02 Garages (Sheet 2) received 28 August 2018 and Drawing No. NB55.90.001 External Finishes Plan received 3 September 2018.

18_P_017 - Summerland Lane / Newton Highway Improvements Section 106 TCPA 1990 Variation Plan received 26th February 2019.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 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

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(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.

- 3 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.

- 4 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made within the foul water public sewer at manhole SS59876901 located in Summerland Lane (as indicated on Welsh Water's Sewerage Network Plan).

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.

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- 5 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

2979-251c - Section 104 Layout
2979-232 - Catchpit Detail
2979-231a - Drainage Construction Details
2979-225 - Manholes Schedules - Surface (Sheet 2)
2979-224 - Manholes Schedules - Surface (Sheet 1)
2979-223a - Manholes Schedules - Foul (Sheet 3)
2979-222b - Manholes Schedules - Foul (Sheet 2)
2979-221 - Manholes Schedules - Foul (Sheet 1)
2979-214a - Rising Main Long Section
2979-213a - Drainage Sections - Foul (Sheet 2)
2979-212d - Drainage Sections - Foul (Sheet 1)
2979-211c - Long Sections - Sheet 2
2979-211a - Long Sections - Sheet 2
2979-210a - Long Sections - Sheet 1
2979-202 - Drainage Layout - Sheet 2
2979-201a - Drainage Layout - Sheet 1
2979 252a - Pumping Station Details & Access
Pump Station Design Specification
Received 9th August 2018

2979_202b - Drainage Layout Sheet 2
2979_201c Drainage Layout - Sheet 1
Terra Firma Letter Re Soakaway Drainage
Received 5th November 2018

Soakaway Drainage Calcs Received 16th November 2018

Management Proposal received 19th November 2018

The agreed drainage scheme shall be implemented before the dwellings hereby approved are brought into beneficial use. The drainage scheme shall be retained and maintained as approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D and E of Schedule 2, part 1 shall not apply.

Reason : 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.

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- 7 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

Cyclical Maintenance Landscaping & Roads
Cyclical Maintenance & Inspections Guidance
Received 9th August 2018

NB55.MC.002 - Management Company Controlled Areas Plan 02
NB55.MC.001a - Management Company Controlled Areas Plan 01
Extract From Title Transfer Doc
Companies House - Management Company Registration
Management Proposal
Received 19th November 2018

Intervention Levels And Response Times received 20th November 2018

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.

- 8 All garages shall be made available for the parking of vehicles at all times and 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.

- 9 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

Construction Environmental Management Plan (CEMP)
Utilities (Existing & Proposed)
Received 5th November 2018

The development shall be implemented in accordance with the details thereby approved. Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

Reason: In the interests of prevention pollution to controlled waters and the wider environment.

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- 10 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

Site Waste Management Plan
Overall Programme
Traffic Management
SWMP Review Stages
SWMP Design Stage Decisions
SWMP Waste Groups
SWMP Waste Record
SWMP Mid Job Review
SWMP End Of Job Review
Waste Management Policy
Received on 9th August 2018

The development shall thereafter be carried out in accordance with the details contained within the approved SWMP.

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.

- 11 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

NB55.TM.03 - Drainage Traffic Management Plan
NB55.TM.02 - Traffic Management Plan
NB55 TM 01 - Temp Traffic Management Plan
Utilities (Existing & Proposed)
Public Liability Insurance Letter
CMS (CTMP)
Vehicular Access To Site
Overall Programme
Received 5th November 2018

The approved statement shall be adhered to throughout the construction period.

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 of the area.

- 12 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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- 13 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety.

- 14 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, and 2019/0302/DOC, namely

Tree Survey
Tree Constraints Plan
Received 5th November 2018

Cellweb 75~200mm Gravel Overfill Surface Standard Detail
Cellweb-Trp-Ams (1) Tree Root Protection
Cellweb Trp - Key Details
Received 9th November 2018

399.01 REV C - Landscape Planting Plan & Hedgerow Management
Received 13th November 2018

Tree Protection Plan
Received 19th November 2018

Email from Martin Pretty to Lucy Kelly & Alan Webster dated 19 November 2018 entitled Tree Protection Plan, (including text of email dated 12th November 2018)

Temp Access Root Plan received 23 November 2018.

Tree and Hedgerow Protection Plan, received 19th February 2019. (2019/0302/DOC)

No development or other operations shall take place other than in complete accordance with the approved tree and hedgerow protection scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that reasonable measures are taken to safeguard trees and hedgerows in the interests of local amenity and biodiversity.

- 15 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

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2979-200B - External Works received on 9th August 2018
399.01 REV C - Landscape Planting Plan & Hedgerow Management
Received 13th November 2018

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 first house 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.

- 16 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

2979-200B - External Works received on 9th August 2018
NB55.90.001 REV C - External Finishes received 10th August 2018
399.01 REV C - Landscape Planting Plan & Hedgerow Management
Received 13th November 2018

The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following the completion of the development. The completed scheme shall thereafter be managed and maintained in accordance with a scheme of management/maintenance to be agreed in writing by the Local Planning Authority before development commences on site.

Reason: In the interest of protecting visual amenity.

- 17 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely: Biodiversity Management Plan Received 5th November 2018 and Ecological Management Plan received 9th November 2018

The development shall be implemented in strict accordance with Section 6 (Recommendations) and specifically section 6.13, of the Ecological Assessment by David Clement Ecology received on the 1st September 2017, and Section 7 (Protected Species Mitigation Plan) of the Dormouse Survey and Protected Species Plan Mitigation by Hawkswood Ecology received on 1st September 2017.

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Addendum to Dormouse Survey and Protected Species Mitigation Plan by Hawkswood Ecology received on the 13th November 2017.

Reason: In the interests of protecting retained habitats and wildlife on the site during the construction process.

- 18 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

2979-200B - External Works

399.01 REV A - Hedgerow Management section only

Received on 9th August 2018.

399.01 REV C - Landscape Planting Plan & Hedgerow Management

Received 13th November 2018

The hedgerow works shall be implemented in strict accordance with the approved details and the retained and enhanced sections of hedgerows shall thereafter be maintained in accordance with the agreed Hedgerow Management Plan.

Reason: In the interests of visual amenity of the streetscene.

- 19 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

2979-200B - External Works received on 9th August 2018

NB55.90.001 Rev C - External Finishes Plan Received on 10th August 2018

399.01 REV C - Landscape Planting Plan & Hedgerow Management

Received 13th November 2018

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

Informatives

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: T1 and T5.

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- 3 Local Needs Housing information in association with conditions 2 and 3:
1. The circumstances where a person needs another dwelling resulting from changes to their household are (but not limited to), getting married, divorced, having children, requiring more space for a growing family, downsizing to a more manageable home or adult children forming new households and purchasing a property for the first time, or where a person is returning to the Locality defined within 12 months of the completion of undertaking full-time post-secondary education or skills training.
 2. If after a period of 16 weeks of marketing of a local needs dwelling at an estate agents in the Locality (as defined in the Condition) and advertising on a well used property agency website, there are no appropriate offers of purchase from a person with a local connection, the property may be marketed to, and subsequently purchased by, a person that does not meet the local need criteria. Any subsequent re-sale of the local needs dwelling will be subject to the local needs occupancy restriction in order to ensure that the property will continue to provide a potential opportunity to address any future local need in the Locality.
- 4 **Construction Noise**
- The following restrictions should be applied to all works of demolition/construction carried out on the development site
- All works and ancillary operations which are audible at the site boundary shall be carried out only
- between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.
- The Local Authority has the power to impose the specified hours by service of an enforcement notice.
- Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- Smoke/ Burning of materials**
- No burning of any material to be undertaken on site.
- The Local Authority has the power to enforce this requirement by service of an abatement notice.
- Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- Dust Control**
- During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.
- The Local Authority has the power to enforce this requirement by service of an abatement notice.
- Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of

Lighting [www.ile.org.uk] recommendations.

5 Management and Maintenance of Estate Streets

The applicant is advised that to discharge this 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.

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 contact the Team Leader (Development), e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091

S278 Agreement

The new accesses/new footpath will need to be constructed to Highways Authority Standards and Specification under a Section 278 Agreement with the Highways Authority.

6 Natural Resources Wales (NRW)

In relation to condition 9 (CEMP), in addition, prior to commencement of works (particularly before stripping the land) NRW request that the applicant / developer contacts; Mr Chris Palmer

(NRM Officer) to discuss pollution prevention measures. He can be reached via email at: Chris.Palmer@cyfoethnaturiolcymru.gov.uk, or telephone on: 0300 0653 293.

In relation to condition 10 (SWMP), any waste materials that are generated on site must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW.

In relation to condition 17 - Ecology - if any roosts or nests are found on the site, then work must stop immediately and NRW contacted for further advice.

7 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.

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Item 2 (Cont'd)

Application Number:

2019/0450/S73

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.

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Item 3 (Cont'd)

Application Number:

2019/0431/FUL

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.

Site History

App Number	Proposal	Status	Decision Date
2019/0431/FUL	First floor rear extension and addition of pitched roof to existing two storey rear extension	PDE	
89/0499/03	UTILITY ROOM + BEDROOM EXTENSION - DOMESTIC	APP	06.06.1989
2009/0533	Retention and completion of boundary wall up to 2.5 metres in height and greenhouse	APP	08.06.2009

RESPONSE 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 sent to adjacent neighbours on 5th March 2019, and the application was advertised on site.

No letters of objection have been received.

Pennard Community Council - We have no concerns.

APPRAISAL

This application is reported to Committee for determination, as the applicant is a Councillor of the Council - Cllr Lynda James, Ward Councillor for Pennard.

Full planning permission is sought for the construction of a first floor rear extension and the addition of a pitched roof to the existing two-storey rear extension at No. 39 Pennard Road, Pennard.

The site currently comprises a two storey semi-detached dwelling with an existing ground floor and a two storey flat roof, rear extensions.

The dwelling is situated in the Ward of Pennard and within the Gower Area Of Outstanding Natural Beauty.

The proposed first floor extension would be sited above the existing ground floor flat roof extension to the rear of the host dwelling. The proposed extension would have a maximum width of 2.8m, a depth of 2.2m, a maximum eaves height of 4.7m and an overall height of 6.8m.

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Item 3 (Cont'd)

Application Number:

2019/0431/FUL

The proposal would be finished with a pitched roof that would extend over the existing flat roofed two-storey rear extension. It is proposed to use matching materials to those of the existing property.

Policy Issues

The main issues for consideration with regard to this application relate to the impact of the proposed extensions upon the visual amenity of the host property and Gower AONB, the residential amenity of adjoining properties, and parking and highway safety, with regard to Policies PS2 and ER4 of the adopted Swansea Local Development Plan (2019) (LDP) and the Supplementary Planning Guidance (SPG) documents entitled: Gower AONB Design Guide, and A Design Guide for Householder Development SPG. There are in this case considered to be no additional issues arising from the provisions of the Human Rights Act.

Visual Amenity

The proposal involves the construction of a first floor rear extension with a pitched roof that would extend over the existing two-storey rear extension.

It is considered that the design of the proposed first floor rear extension would comprise of an acceptable form of development that would be in keeping with the visual appearance of the host property. The proposed addition of the pitched roof over the existing two storey rear flat roof extension, which will be finished in tiles to match the existing roof, is considered to be an improvement to the visual appearance of the dwelling and would therefore relate satisfactorily to the character and appearance of the application property and Gower AONB. The proposed works would not be generally visible from public vantage points due to their siting to the rear of the host dwelling.

As such, the proposal is considered to represent an acceptable form of development, which complies with the provisions of Policies PS2 and ER4 of the Local Development Plan (2019) and the SPG's Gower AONB Design Guide, and A Design Guide for Householder Development SPG.

Residential Amenity

With regard to residential amenity, it is considered that the proposed extensions would not result in any unacceptable overlooking impacts.

The proposed first floor rear extension would not project any closer to the common boundary with its adjacent neighbour at No. 39A Pennard Road and the proposal would comply with the 45° code when measured from the nearest habitable room window of No. 39A. As such, it is considered that the proposal would not have a detrimental impact on the residential amenity of No 39A in terms of overshadowing or overbearing impacts.

The proposed first floor rear extension would be sited to the south of the existing two storey rear extension, and as such this part of the proposal would not have any impact upon No. 37 Pennard Road in terms of overshadowing overbearing or overlooking impacts.

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Item 3 (Cont'd)

Application Number:

2019/0431/FUL

The proposed pitched roof to the existing two-storey rear extension is considered to be acceptable and would not result in any unacceptable overbearing or overshadowing impacts, given its scale and siting relative to neighbouring properties.

As such, the proposal is considered to have an acceptable impact on residential amenity, and complies with the provisions of Policy PS2 of the Local Development Plan 2019 and the SPG - A Design Guide for Householder Development SPG.

Access and Highway Safety

The Head of Transportation and Engineering was not formally consulted as the proposal is not considered to affect the availability of adequate on-site parking that would be retained. Therefore, highway safety is considered to be unaffected.

Conclusion

In conclusion, having regard to all material considerations including the provisions of the Human Rights Act, the proposal is considered to represent an acceptable form of development in terms of its impact upon the visual amenity of the host property and Gower AONB, the residential amenity of adjoining properties, and parking and highway safety, and as such would comply with the provisions of LDP Policies PS2 and ER4 of the City and County of Swansea Local Development Plan 2019 and the Supplementary Planning Guidance documents entitled Gower AONB Design Guide and A Design Guide for Householder Development 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.

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: CLJ-PRD-01 existing and proposed floor plans, elevations, site location plan and block plan received on 25th April 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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Item 3 (Cont'd)

Application Number:

2019/0431/FUL

- 3 The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building, and shall be applied prior to the first beneficial use of the extension hereby permitted.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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: PS2 and ER4.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 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).

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Item 4 (Cont'd)

Application Number:

2019/0171/FUL

LDP - TR1 - Tourism, Recreation and Leisure Development

Tourism, Recreation and Leisure Development - Tourism, recreation and leisure development that capitalises upon the County's distinctive assets and help create a year round destination will be supported. Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities or heritage assets, will not be permitted. A Tourism Needs and Development Impact Assessment will be required in support of a planning application.

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 - 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.

Site History

App Number	Proposal	Status	Decision Date
2019/0171/FUL	Change of use from residential (Class C3) to guesthouse (Class C1) with 4 no. rear roof lights	PDE	

Description

Full planning permission is sought for the change of use from residential (Class C3) to guesthouse (Class C1) with 4 no. rear roof lights.

The plans indicate that the property contains 5 bedrooms, lounge, kitchen, toilet, with an attic, basement and two storage rooms. The proposal will see the internal layout altered to contain three ensuite rooms, one ensuite dormitory and a family suite. The building will also have a dining room/kitchen, games/TV room to the basement, a cycle store and a manager's office, general store and toilet/shower room to the attic space.

Item 4 (Cont'd)

Application Number:

2019/0171/FUL

Assessment of the immediate area

The application property is sited on Chapel Street which is predominantly comprised of terraced dwellings with a few commercial uses including offices and a hot food takeaway. The street connects to Newton Road at one end but does not form part of the Mumbles District Centre.

Planning History

There is no relevant planning history for the site.

Policy Issues

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. The following LDP Policies are considered relevant to the application: PS2, RP2, TR1 and T6.

Policy PS2 refers to the need for development to enhance the quality of places and spaces, and respond positively to aspects of local context.

Policy RP2 refers to noise pollution and the need for developments, where it could lead to exposure to a source of noise pollution, to have appropriate mitigation measures.

Policy TR1 states that tourism, recreation and leisure development that capitalises upon the County's distinctive assets and helps create a year round destination will be supported.

Policy T6 relates to parking and sets out that proposals must be served by appropriate parking provision.

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 sent to Nos.16 and 20 Chapel Street on 5th February 2019. A site notice was also posted within the vicinity of the application site on 12th February 2019.

24 letters of objection have been received as have 40 letters of support.

The reasons for objection including comments can be summarised as follows:

- o Lack of parking and highway safety concerns.
- o No need for a guest house given the number of existing ones nearby and airbnb's.
- o Claim that the statement in the application form that the local community supports the development is misleading as the full extent was not revealed.
- o Increased noise and disturbance.
- o Negative impact on property value.
- o Loss of residential property.
- o Refuse concerns.
- o Deliveries.

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Item 4 (Cont'd)

Application Number:

2019/0171/FUL

The reasons of support including comments can be summarised as follows:

- o More affordable accommodation for tourists to the area.
- o Great idea for a place for weary hikers and outdoor enthusiasts of the Gower to have a locally owned place in mumbles to stop, stay and enjoy.
- o Opening up the beauty of mumbles and the activities this area provides to a wide range of guests.
- o "I own a Guesthouse in Mumbles, I can confirm that the applicants submission is a service that the village is in need of. Good luck to him, the shops and restaurants will appreciate the additional custom, every little helps"
- o This amenity will really help to put Mumbles and Gower on the map, provide a public service for lovers of nature and a well-needed boost to the local economy in mumbles.
- o Benefit not only to local tourism, but also the surrounding area and Wales in general.
- o Increase of visitors travelling light on a budget backpacking/walking/cycling can only be a positive development for many of the locally owned businesses
- o "Mumbles, Gower, and Swansea all have so much to offer in the outdoors, whether it be award winning beaches, coastal paths, or countless acres of glorious countryside. A guesthouse that caters for outdoor enthusiasts at a reasonable price will be unique to the area, an easy way to promote tourism in line with Swansea's "Destination Swansea Bay" management plan."

Call-in Request

The application was called in for a decision at Planning Committee by Councillor Myles Langstone and the level of threshold of objections within the consultation period was met.

Highway Authority

The current use is as a single dwelling and the site is located on Chapel Street in Mumbles. The parking along the frontage is along one side of the road only and is controlled by the use of permit holder only bays. The permit holder bays are subject to civil enforcement should any indiscriminate parking occur (as has been referenced in several of the local objections to the scheme).

There are number of limited waiting parking bays in the area and also pay and display car parks available for long stay parking albeit that they are not as conveniently located in relation to the site. There are a number of similar guest houses in Mumbles, most of which do not have any dedicated parking facilities and rely on the limited on street and pay per stay car parking facilities. In view of this it is not considered that a refusal on highways grounds on the basis that no car parking is being provided could be sustained at appeal (should the applicant appeal any refusal).

The design and access statement references the guest house appealing to walkers and cyclists who may choose to not come by car. Cycle parking has been included in the scheme and the inclusion of this facility will ensure that non car modes are catered for.

I recommend that no highway objections are raised to the proposal subject to the cycle parking as indicated being laid out in accordance with the approved plans and being maintained as such in perpetuity.

Item 4 (Cont'd)

Application Number:

2019/0171/FUL

Pollution Control Team

The Authority's Pollution Control Officer raised no comments or objection to the proposals.

Mumbles Community Council - objects to the proposals on the following grounds:

- o Parking issues which is already a problem in the area.
- o Setting a precedent for further developments in the residential area
- o Generation of additional noise in a residential area.
- o Impact on public services e.g. refuse collection
- o Concerns over fire safety as not shown on plans

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 guest house, impact upon visual amenity and impact upon the residential amenities of neighbouring occupiers, along with parking and highway safety impacts.

Principle of Use

The application property is positioned within a mixed street containing residential dwellings and commercial properties including an A3 takeaway. The street borders Newton Road and the Mumbles District Centre as well as being in close proximity to the popular Tivoli Development. The nature of the use of the property as a guesthouse is not too dissimilar from the nature of that of a dwelling house in principle.

Policy TR1 requires that new tourism development such as this so long as it is justified. It is considered that the information provided in support of the application, by means of a Tourism Needs and Development Impact Assessment, is sufficient to justify the need for this type of development in this location and that there would be no unacceptable adverse impact on the local economic area. The site is well placed within the popular Mumbles area and would provide a facility in support of the tourism demand and economy. It is therefore considered that the principle of a guesthouse in this location is acceptable in compliance with the aims and objectives of the Swansea LDP.

Visual Amenity

The proposal does not include any extension of the existing dwelling with only cosmetic changes to the external façade and the installation of four rear rooflights. The rooflights are considered visually acceptable and therefore there would not be any harmful impacts on the character of the host property or wider area.

Item 4 (Cont'd)

Application Number:

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Residential Amenity

The existing property has a basement, attic, five bedrooms, a kitchen, lounge and two storage areas over four floors. The proposal will see the layout altered to provide a kitchen/diner, three ensuite bedrooms, one ensuite dormitory and one ensuite family suite. Also proposed is a games room to the basement, bike store to the ground floor and a manager's office, store and shower room to the attic. It is accepted that the use of the property as a guesthouse would create additional noise and disturbance given that the occupants would likely be holiday makers and increased comings and goings, possibly during unsociable hours. However account must be taken of the fact that there is likely to be an existing level of noise and disturbance from the neighbouring district centre. Furthermore the property itself is not large enough to accommodate a significant number of guests. It is therefore concluded that any noise and disturbance from the proposed change of use would be acceptable.

In regards to potential for increased overbearing or overshadowing from the development it is not considered that the proposals would result in any increased impacts. In terms of overlooking it is not considered that the rooflights or internal changes would result in any impacts compared to the existing circumstances on site. It is noted that the raised area to the rear garden allows significant views of the neighbouring amenity space. However these are the existing circumstances on site and it is not considered that the change in the use of the building would in itself result in any increased harm.

Parking and Highway Safety

The Authority's Parking Standard SPG requires C3 dwellings with 3 or more bedrooms to have a minimum of 3 onsite car parking spaces, to which none are currently provided. Under the SPG the requirements for the guesthouse of this size would require approximately 7 onsite parking spaces and therefore results in a shortfall of 4 spaces compared to the existing circumstances. The applicant has stated that there is the provision for bike storage and that guests will be encouraged to use sustainable modes of transport. However it is considered that it is unlikely guests would not arrive by car. The site is served by a number of car parks nearby and similar guesthouses in the local area lack dedicated onsite parking facilities. On the basis that there are public car parks within walking distances of the site the proposed impact on highway safety is considered acceptable and accordingly the Authority's Highway Officer has not raised an objection.

Response to Objections

The concerns raised in regards to highway safety, parking, noise and disturbance and principle of development have been addressed above. In regard to refuse collections concerns have been raised that this could impact public services. Whilst not strictly a planning matter commercial properties do not rely on public services but have to make their own arrangements either through an authorised private contractor or paying for the Council's collection services. Accordingly there would be no adverse impact upon existing public services in respect of waste. Notwithstanding this a condition is recommended to provide for a Waste Management Plan in order to protect amenities.

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Item 4 (Cont'd)

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Concern has been raised that approval of the application would set a precedent for similar approvals. It is not considered that the application would set a precedent for future development as any future applications would be judged on their own merit having regard to the impacts and planning policies prevailing at the time. Concern is raised about being misled on the application form in connection with neighbour consultation being positive. It is clear from the formal consultation on this application that there are concerns raised and there are also responses from those in favour of the application. Fire safety is raised as a concern, however, it is a matter that is covered under separate legislation (Building Regulations) and so would not be a relevant consideration in this application. An alleged negative impact upon property value, as a result of the development, is not a material planning consideration.

Conclusions

In conclusion, having regard to all material considerations including the Human Rights Act, the proposal is considered to represent a satisfactory and acceptable form of development which complies with current development plan Policies PS2, RP2, TR1 and T6 of the City and County of Swansea Local Development Plan 2019 and as such has an acceptable impact on the character and visual amenities of the streetscene and area in which it is situated and the residential amenities of neighbouring occupiers.

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 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: 18-022/2a proposed plans and elevations, 18-022/3 roof plan and section received on 4th February 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The property shall be used only for the purpose(s) specified in the application as a Guest House, with the level of accommodation set out on the approved drawings, and for no other purpose whatsoever, including any other purpose in Class C1 of the schedule of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order with or without modification.)
Reason: In order to control the nature of the development in the interest of neighbouring amenity.

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Item 4 (Cont'd)

Application Number:

2019/0171/FUL

- 4 Prior to the development hereby approved being brought into beneficial occupation, the bike storage area as indicated on plan no.18-022/2a proposed plans and elevations received on 4th February 2019 shall be available for the beneficial use of the guests 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.
- 5 Notwithstanding the submitted details in connection with a refuse storage area, prior to first beneficial use of the Guesthouse, a Waste/Recycling Management Plan for the future use shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include refuse and recycle storage areas and details of the means of management and disposal. Development shall thereafter take place in accordance with the approved plan.
Reason: In the interests of sustainability, amenities and highway safety.

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: Policies PS2, RP2, TR1 and T6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

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Item 5 (Cont'd)

Application Number:

2018/2622/FUL

As part of a catchment review and other Welsh-medium primary Band B and LDP proposals this project will support balancing the demand for and availability of Welsh-medium places.

Originally, the application proposed a 1.5 Form Entry (FE) school that was future-proofed to a 2 FE school. However, this was amended shortly into the application process to provide for a 2 FE school as part of this proposal.

The application site has an area of approximately 1.78ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 1 hectare. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Site Location

The site proposed for the school development is a vacant parcel of land adjacent to Hill View Crescent in Clase. The site was previously developed with housing (fronting on to Hill View Crescent and Beacons View Road), however it is understood that this was removed in the early 2000's. The site slopes from Hill View Crescent away to the east (approximately 9m) and also falls north to south (approximately 8m). The site is predominantly laid to grass with one tree of note within the site and several trees running along the eastern boundary. A pedestrian footpath runs along the length of the southern boundary.

The only visual evidence of the previous housing development on site is the presence of Beacons View Road which still runs through the middle of the site from north to south. This road is currently unused having been blocked off at either end of the site. The site is bordered by Hill View Crescent and some residences to the west, beyond which are further grassed areas, a play area and sports court. The site overlooks Morryston Park to the east, whilst residential areas are evident to the north and south on Beacons View Road. Clase Primary School is located to the west on Rheidol Avenue.

As would be expected given the former housing on site, there is a significant amount of utility infrastructure predominantly running through the closed off section of Beacons View Road (although foul drains cross the site), which is still an adopted highway.

Description of Development

Full planning permission is sought for the construction of a new 2FE Welsh-medium single storey primary school, associated landscaping and parking facilities to be located on land adjacent to Hill View Crescent. The proposed building would have a gross external floor area of 2,317m². The new school would accommodate up to 470 pupils and contain 49 staff.

The proposal places the school building on the westernmost section of the site allowing the school to have a presence and identity along Hill View Crescent. This part of the site is relatively flat in comparison with the eastern sections and has potential to offer level and direct access from Hill View Crescent; and largely free from existing services. The building footprint shape is a direct reference to the splays of the quadrant created by Hill View Crescent.

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Item 5 (Cont'd)

Application Number:

2018/2622/FUL

The building form also seeks to address the expansive views to the east. The building would measure approximately 55m in depth, have a frontage width of 49m, a maximum width of 78m (from the splayed rear corners) and measure 9.2m in height (excluding plant). A 2.4m high weldmesh fence would run along the entire boundary of the site. The land at the rear would need to be built up to provide a level platform (approximately 4.3m).

The teaching wings are to be simple buff brick boxes, broken up by full height window units. Mono pitched metal standing seam roofs are proposed throughout, with deep overhangs creating external covered areas outside key learning resource spaces and early years classrooms. The junior wing roof also oversails the main entrance to clarify where the main entry point of the building is. Accent areas of projecting brickwork are intended to break up larger panels and insulated cladding panels would also be used to add visual interest to the building.

The northern, rectangular section of the site is proposed to house the all-weather pitch and is considered most appropriate for this given its shape and lack of significant level changes. The school car park is proposed to sit in between the school building and the all-weather pitch, accessed directly from Hill View Crescent – this would provide 52 spaces (3 of which would be for disabled users) and cycle parking for 20 bikes. Locating the car park here allows the potential for community access to the all-weather pitch. An additional cycle parking area (for 20 bikes) would be located on the southern end of the building. Bin storage (8m x 4m x 2.6m) and a sprinkler/ tank compound (15m x 10m x 2.6m) would also be located in close proximity to the car park. A 3.5m wide layby would be provided along the frontage of the school. The development would allocate 5% of the total car parking for car share spaces (3 spaces) and a further 10% of the total spaces to allow for electric vehicle charging points (6 spaces) at the school. The parking spaces would also provide provision for people using the all-weather pitch out of hours.

A Type 1 MUGA is proposed to sit at the rear of the school building, where it also has the potential to be accessed directly from the car park. Vehicle access is not offered from Beacons View Road. Informal hard and soft play areas are predominantly located to the east side of the school building where they are sheltered from south westerly prevailing winds.

The overall objective of this project is to provide a fit for purpose, 21st century learning environment for pupils attending YGG Tan-y-Lan, whilst increasing the number of Welsh-medium primary places available in the locality from 130 Full Time places (as Jan 18) to 315 plus Nursery.

Whilst turning hammerheads are indicated at the northern and southern ends of Beacons View Road, they do not form part of the planning application.

INFO:

Site Size - Due to ecology constraints reducing the footprint of the development, the overall site size is taken below minimum recommended by Building Bulletin 99. As a result of this there is a shortfall in the area of sports facilities and games courts. The impact of this is to be mitigated through the school having access to other nearby sports facilities as well as the incorporation of an all weather pitch in the development to maximise use of facilities on site.

Attenuation pond proposed as an ecological feature within fenced off area (fence height tbc).

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Item 5 (Cont'd)

Application Number:

2018/2622/FUL

Early years wing - this is the northernmost wing of the building and contains the nursery and majority of infants accommodation, arranged around a generous open plan learning resource area. Also housed in this wing are the main hall and studio, kitchen and plant room. Having this wing accessible from the car park means that the hall, kitchen, plant room and nursery can be accessed and serviced independently of the main school operations.

Junior wing - this wing is located on the southern side of the building and contains the main bulk of the school's classrooms, as well as staff / admin areas and main pupil toilet compound. Like the early years wing, the classrooms are arranged around an open plan learning resource area.

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

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

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

PS4: Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 14,700 additional jobs over the Plan period, including within Strategic Development Areas.

IO1: Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

IO2: Employment and Training Opportunities - developers are required to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

HC1: Historic and Cultural Environment - the County's distinctive historic and cultural environment 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.

SI2: Providing and Safeguarding Community Facilities - new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI3: Education facilities – development should be appropriately located, provide appropriate facilities for parking and drop-off, include provision for other community facilities and be phased appropriately.

SI5: Protection of Open Space – development will not be permitted on areas of open space unless it complies with specific criteria.

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SI8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

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.

ER2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

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.

ER11: Trees 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.

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.

T5: Design Principles for Transport Measures and Infrastructure – provides design criteria that all transport measures/ infrastructure must adhere to.

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.

T7: 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.

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EU2: Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sq m or more, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

EU4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

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 or 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 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 – new development will be expected to be located away from unnecessary risk.

RP6: 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.

RP9: 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.

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Neighbour comments:

The development was advertised on site with three site notices (on Hill View Crescent and at either end of the closed section of Beacons View Road), and the application was also advertised in the Press on the 7th January 2019. 18 residents on Hill View Crescent, Glaslyn Place and Beacons View Road were also consulted on 21st December 2018.

Objections have been received from 3 residents raising the following concerns:

- * Concerns about elderly/ disabled residents being able to park close to their properties as a result of this proposal – could residents parking be considered?
- * Concerned the road would become very busy with added traffic, and cars have been damaged in the past
- * Concerns about safety of children given the additional traffic proposed
- * Children with special needs in the area need to get picked up from their properties
- * Hill View Crescent is very narrow and difficult for cars to pass
- * DVLA staff park on the road making it difficult for residents to park already
- * Concerned over construction traffic using Hill View Crescent and buses once development is complete.

Consultations:

Placemaking and Heritage:

“The proposed school has been subject to detailed discussions regarding the proposed layout, form, character and appearance in previous meetings and these were considered to be well justified. Following these discussions the proposals were considered acceptable to meet the needs of the new purpose built use as well as providing a building with a clear and bold architectural identity to help raise the architectural standards of the locality.

A re-consultation on this application was recently undertaken for an amendment to increase the length of the southern-most wing of the proposed school in order to accommodate a 2 form entry school rather than the originally proposed 1.5 form entry building. Whilst the single storey wing has been extended this follows the design of the originally proposed part of this wing and therefore there is no significant change to the design or form of the building overall.

As such there are no objections in design terms to this amendment.”

Highways:

“No objection.

1. Background

1.1 This Proposal is for the construction of a 2 form entry primary school on land East of Hill Rise Crescent, Clase. The existing YGG Tan Y Lan is intended to relocate to this site.

1.2 The school will accommodate 470 pupils plus 49 members of staff.

1.3 The school includes 52 car parking spaces and 40 cycle spaces, to cover staff, pupils and visitors.

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- 1.4 The site sits on a section of Beacons View Road which is currently closed to motor vehicles. This is adopted highway and will require formal stopping up.
- 1.5 Access is via Hill View Crescent, and includes layby facilities for drop off.
- 1.6 The Application was accompanied by a full Traffic Impact Assessment and Travel Plan.
- 2 Sustainable Travel
 - 2.2 The site is located within the existing residential settlement of Clase, roads in the vicinity have segregated footway provision on both sides of the carriageway, with dropped kerbs at crossing points.
 - 2.3 The existing catchment is mainly to the East of the site, the existing footpath to the South East of the site which links with Caemawr Road provides a useful route for non-car based trips.
 - 2.4 Proposals are indicated for the provision of controlled (Zebra) crossing facilities on Hill View Crescent immediately outside the school, and also on Longview Road either side of the junction with Rheidol Avenue. These further enhance the walking environment and should be secured by condition.
 - 2.5 Cycling routes in the area are on street, however given the wide roads and low speeds this is considered a realistic option.
 - 2.6 There are a number of bus stops in the vicinity of the site, bus frequencies from the surrounding area are approximately 5 per hour.
 - 2.7 The site is thought to be located in a sustainable location, particularly given the catchment area, and has the ability to maximise the use of sustainable travel options as an alternative to the private car.
- 3 Trip Generation
 - 3.1 This was based on a first principles analysis of pupils and staff at the existing school site, and assigned based on pupil home postcode.
 - 3.2 A survey of staff and pupils at the existing YGG Tan Y Lan site allowed understanding of existing mode choice and the distances involved.
 - 3.3 This data has been compared to the new school site, adjusted for location and factored to include for increased pupil numbers.
 - 3.4 This results in maximum vehicle trips of 228 for pupils and 49 for staff in 2026, walking trips of 204 pupils and 5 cyclists.
 - 3.5 It is though the assumptions and methods employed are valid and results robust.

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4 Analysis

- 4.1 Junction assessments have been carried out at the Longview Road / Rheidol Avenue roundabout and Llangyfelach Road / Rheidol Avenue priority junction, together with a sensitivity test on Llangyfelach Road at the Heol Ddu signalised junction.
- 4.2 Analysis has been undertaken using TrL junctions 8 software, which is industry standard for analysing roundabouts and priority junctions.
- 4.3 Scenario modelling has been undertaken for 2018 (base year), 2021 (existing school relocation) and 2026 (new school at full capacity). The existing traffic flows have had growth factors applied based on the National Trip End Model using the Tempro database.
- 4.4 The analysis has been checked and has been undertaken correctly, this shows that the modelled junctions are predicted to remain well within practical capacity under all modelled scenarios.
- 4.5 The sensitivity test on Llangyfelach Road at Heol Ddu shows a worst case impact of +5% in terms of traffic volume in the 2026 scenario. This is well within normal daily traffic variation.
- 4.6 The main traffic impact is likely to be on Hill View Crescent itself, currently this road has limited traffic due to the small number of residential properties at either end of the crescent.
- 4.7 It is proposed that Hill View Crescent is to be made one-way with traffic calming and a raised zebra crossing in the vicinity of the school entrance. A 3.5m wide layby is to be provided for drop off, and it is recommended that a residents parking scheme be implemented (limited waiting residents exempt) to preserve the amenity of existing residents who currently have no off street parking. The majority of the costs associated with this is in the implementation of a traffic regulation order, which will be required anyway for the one-way operation.

5 Site Layout

- 5.1 The main vehicular entrance to the site will accommodate 2 way flow, turning area has also been provided. Spaces are indicated to accommodate all staff plus visitor spaces, the TA indicates cycle parking demand at a total of 38 spaces, 40 have been provided.
- 5.2 The main pedestrian access is separate from the vehicle access.
- 5.3 The site sits on part of the currently adopted Beacons View Road, this will require formal stopping up prior to any construction, which should be undertaken via the Town and Country Planning Act. Turning facilities will be provided on Beacons View Road to allow vehicles, including service and fire vehicles to access and exit in a forward gear.

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6 General Highway Safety

- 6.1 The TA has considered the accident records in the area. Detailed analysis of the recorded accidents, locations and causation factors indicate no common factors and no issues with the highway layout.
- 6.2 However the provision of speed restraint, traffic calming on Hill View Crescent, together with alterations to the existing 20mph zone to include Hill View Crescent would further protect vulnerable road users.
- 6.3 In addition the provision of controlled (zebra) crossing points on Longview Road either side of the Rheidol Avenue Roundabout would further improve accessibility for non-car modes.

7 School Travel Plan

- 7.1 All new schools are required to produce a travel plan. A framework travel plan has been submitted which covers initial surveys of pupils travel habits at the new location, action to increase sustainable travel and monitoring of achieved results on a regular basis.
- 7.2 The existing school already supports a healthy level of sustainable travel with around 50% of pupils using sustainable modes to travel to school, mainly walking. The travel plan will seek to increase these proportions which will have a corresponding reduction in car usage.
- 7.3 A Travel Plan Coordinator will be appointed to oversee the sustainable transport initiatives, and monitor the implementation of the plan. This is a positive approach replicated at a number of schools within the city.

8 Conclusions and Recommendation

- 8.1 The relocation of YGG Tan Y Lan will result in some traffic reassignment, however the effect on the main junctions in the area has been demonstrated to be acceptable. The TA produced is robust and assumes a worst case scenario.
- 8.2 The location and catchment is such that the school is able to maximise the benefit of sustainable travel.
- 8.3 Local congestion occurs at all school sites at start and finish times, and will likely be the case here, however the identified improvements will help minimise this and accommodate as much of the demand as possible. Proposed safety enhancements will also provide benefit to the wider community.
- 8.4 Beacons View Road will require stopping up as part of the planning process before any construction works commence.
- 8.5 I recommend no highway objection subject to the following:

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- i. The part of Beacons View Road on which the site sits will require formal stopping up, prior to any construction works
- ii. Prior to any works commencing on the site a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. The approved CTMP shall be adhered to at all times unless agreed by the LPA.
- iii. Prior to any works commencing on site, full details of all local highway access works and improvements both on Hill View Crescent, Beacons View Road and the Longview Road Zebra crossing works shall be submitted and approved. Such improvements shall be implemented prior to the site being brought into beneficial use. Including:

Hill View Crescent access works.

Hill View Crescent alterations to speed limits, one-way working, TROs and traffic calming.

Hill View Crescent Zebra Crossing

Longview Road Zebra Crossings.

Note: The Applicant must contact the Highway Management Group, Swansea Council, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk.

Pollution Control:

“Looking through the information submitted on the portal I have no objection to make regarding the application.

I would make the following comments:

Air Quality:

The traffic assessment makes reference to the number of vehicle movements and use of active travel routes. Given the air quality data that is being returned from monitoring locations on the main roads I do not have any grounds to object to the development.

Contaminated Land:

The remediation works set out regarding contaminated land must be adhered to i.e. landscaped areas and clean top spoil and sub soil and I would attach the following condition:

- Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

I agree with the recommendation made by Hydrock Consultants Limited in their Phase 2 Ground Investigation Report in respect of Arsenic. I would like the following condition to be applied to the application:

- Additional sampling, bioaccessibility testing and assessment should be carried out to determine a site-specific assessment criterion for arsenic and further assess whether remedial measures are required. Remediation is required in the absence of this.

Remediation Strategy Options Appraisal this shall:

- Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Validation/verification Report

- On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that the safety of future occupiers is not prejudiced.

Noise and Odour:

The plant area has been specified for the kitchen but no further info regarding equipment to be used etc. The area could be approximately 25m from the nearest residential property and so I would like to condition the following:

- The use hereby permitted shall not commence until a scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, including its location and the location of all input / output points, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to its use being commenced.

Light:

I agree with the recommendations given for the external lighting layout and lights to be installed. However, no mention has been made regarding external lighting which may be used on the grass sports area for any evening use. Information would be required on this use to ensure that light nuisance is not experienced by local residents.”

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Ecology:

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“Bats

There is potential for commuting, foraging and roosting bats around the site. Records exist for at least 5 bat species locally. Therefore, please include the following informative:

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. 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).

Breeding/nesting birds

As there are records for nesting birds such as swift, swallow and house martin within 500m of the site, 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)

- 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
- 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

Reptiles

The survey established that suitable habitat exists for reptile species eg common lizard and slow worm on the development site.

Please include the following 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:

- Pre-construction checks for any species are required.
- Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).

Hedgehog

Records show that hedgehogs occur locally to the site and in the wider area within 500m of the site. 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.

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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:

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.

In addition, 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. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Other European Protected Species:

Pre-construction checks must be undertaken for badger. All trenches and excavations must be fenced off or covered-over at night to prevent any badgers (or other animals eg 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 badgers/hedgehogs (and other wildlife) each morning before starting construction activities.

In addition, please include the following informative:

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).

Mitigation

The mitigation measures outlined in Section 5 (5.2) of the PEA must be adhered to.

Landscaping

The eastern boundary scrub/bracken/broad-leaved plantation woodland must be retained. A 3 metre minimum buffer zone must be left around the scrub edge to preserve the green corridor and maintain connectivity with surrounding habitats.

The species-poor defunct hedgerow must also be retained, and enhanced to improve species richness and biodiversity by planting the understorey and gaps with native species of local/Welsh provenance.

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Native trees, shrubs and wildflowers should also be planted as part of the landscape scheme.

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 to enhance the habitat for local birds and invertebrates.

Invasive Non-native species (INNS)

The PEA recorded at least 4 species of INNS. An INNS Strategy for the site is therefore 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.

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 submitted to the LPA and 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

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 sites' 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 any nearby water bodies), 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. A detailed map is required, outlining the location of the proposed bat and bird nesting boxes as per Section 5.3.3 of the PEA. Where possible, these should also be erected on suitable trees around the site.

Rubble/brush and log piles to provide habitats for reptiles, amphibians, hedgehogs and other species would also be desirable, together with hedgehog friendly fencing. Tree planting and infilling gaps in hedgerow along the site boundary of native species of local provenance is also desirable."

Trees:

"None of the trees on and adjacent to the site are protected by TPO. Under Section 197 of the Town and Country Planning Act 1990 it is the LPAs duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The application is accompanied by a tree survey and arboricultural impact assessment. The proposals require the removal of one category C tree and details other minor impacts to category C trees; there is no objection to this.

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The remaining retained trees could be affected by construction processes and require protection during construction and the landscaping delivery. The tree report supplied includes a tree protection plan, however this does not contain sufficient detail to negate the need for a condition requiring a TPP in accordance with BS5837:2012. The additional information required is the dimensioned position of the tree protective fencing, this of course could be added before determination to avoid the need for such a condition.”

Drainage:

We have reviewed the submitted application and recommend the following. As the proposed drainage strategy is reliant on a connection to DCWW apparatus we recommend they are consulted and pending their acceptance of such a connection and proposed discharge rate we recommend the following.

Condition 1

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 100m² 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.

Watercourses

Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.

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Education:

“The number of pupils being taught through the medium of Welsh has been increasing over a number of years due to increased demand. At YGG Tan-y-Lan, the numbers in each year group over the last few years have exceeded the Admission Number (the number of pupils to be admitted each year to meet the overall capacity of the school). Pupils have been admitted over Admission Number because they want to be educated through the medium of Welsh and there are no alternative places available in nearby schools. Projections demonstrate that demand for places will continue to increase.

The existing site of 0.6 acres is struggling to accommodate the current pupils with its current limited capacity. The existing site also has very little outdoor space and does not provide an appropriate outdoor environment. There is no opportunity for expansion of the existing site and school buildings to provide suitable indoor and outdoor learning areas consistent with the current space standards for primary schools set out in Building Bulletin 99 (Briefing Framework for Primary School Projects), which is the standard used in Wales.

Based upon analysis and the increasing demand at YGG Tan-y-lan the council is proposing to relocate the school to a new and larger site at Beacons View Road, Clase (as per this planning application).

Since the submission of the original planning application, Welsh Government have approved an additional capital grant for this project aimed at further increasing the number of Welsh Medium places available across Swansea.

The amended proposal is to increase the capacity of the school to at 420 FT places, plus nursery, subject to a successful Full business case as part of the Welsh Government's 21st Century Schools Programme. It is intended to build the new school ready for occupancy in January 2021.

The overall objective is to provide fit for purpose, 21st century learning environment for pupils attending the school and increase Welsh medium places available in the locality.”

Landscaping Officer:

Has been consulted on this application but no response has been received to date.

Invasive Species Officer:

“Planning condition CL12 must be placed upon this application.

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to myself, for the control of the plant.”

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Natural Resources Wales (NRW):

We have reviewed the submitted application and offer no objection to the proposed development. However, we would wish to make the following comments.

European protected species.

We welcome the Preliminary Ecological Appraisal and BREEAM Ecology Report Tan-y-Lan School (October 2018) and the recommendation that all scrub and trees will be retained along the eastern boundary with an additional buffer of 3m between this habitat and the development, and this area will remain unlit, as stated in section 5.2.1.4.1 of the above report.

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>).

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.

Dwy Cymru Welsh Water (DCWW):

"Sewerage:

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water (DCWW) 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 is referenced in the accompanying Pre-Application Consultation (PAC) Report, prepared by The Urbanists, which acknowledges there is no agreement for communication of surface water flows to the public sewer (Section 03). This planning application submission (Ref: 2018/2698/FUL) is accompanied by the same 'Drainage Strategy' report and drainage layout albeit fails to include any evidence base that confirms historic connectivity of surface water flows into the sewer from dwellings which have since been demolished.

In addition, with respect to our pre-application consultation response, we would advise that the proposed development site is crossed by a number of foul and surface water public sewers, as well as an abandoned distribution watermain, with their approximate positions being marked on the attached plans. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. The drainage layout highlights reference to existing public sewers within the site which are annotated "Abandoned" and "Subject to Section 185 Agreement"; however, we remind that there is currently no Section 185 agreement or applications to divert these public sewers and the development, as shown on the 'Proposed Site Plan', would be situated within the protection zone of the public sewers measured 3 metres either side of the centreline.

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Whilst we can confirm it may be possible to divert the sewers if the developer applies under Section 185 of the Water Industry Act, we request that they contact us to discuss and consider possible solutions.

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 development shall commence until a 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, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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.

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.

Water Supply:

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

Glamorgan Gwent Archaeological Trust (GGAT):

"You will recall for our letter of January 2019, in response to the earlier submission of this application, we noted that information in the Historic Environment Record shows that there are no designated or non-designated historic assets within the proposed development area.

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No features are noted on historic mapping sequences. We note from the supporting documentation that the area was previously occupied by housing dating from the mid 20th century; this has since been demolished.

It remains the case that, given our current information, it is unlikely that archaeological remains would be encountered during the development, and we therefore do not make any recommendation for mitigation in this case, and have no objection to the determination of the application.”

Police Designing Out Crime Officer:

“The whole of the school site must be protected by a security fence (as per drawings) that meets the standards and specifications of Secured by Design (SBD).

The fence must be at least 2.4 metres high, weld mesh, expanded metal or similar and be of a design that is difficult to climb over. Fencing should be ground on a hard surface or embedded in the ground. There must be nothing adjacent to the fencing to assist criminals in climbing over it and therefore gaining access into the school grounds.

Gates must be of the same height and specification as the fencing and must be kept locked when the school is unoccupied. Gates, other than the main entrance, must also be kept locked during school time. The gap under the school gates must be minimal to prevent persons from crawling under.

If padlocks and chains are used to secure the gates they must meet appropriate security standards e.g. Sold Secure.

The main vehicle entrance onto the school site must have a barrier fitted, with a voice entry system linked to the reception area, to control vehicle access onto site.”

Additional design advice made regarding the following: signage; vehicle access area and parking; lighting; CCTV; external furniture and bins; access controls; landscaping; access to drainage and service areas; building shell security; waste disposal areas; school entrances and visitor control; bike stores; drainpipes; windows; doors; computers; secure areas; and intruder alarm system. See full comments on application page.

APPRAISAL

Full planning permission is sought for the construction of a new 2 FE primary Welsh medium school, associated landscape and parking facilities to be located on land adjacent to Hill View Crescent. The proposed building would have a gross external floor area of 2,317m². The new school would accommodate up to 470 pupils and contain and 49 staff. The site is white land in the Adopted Swansea Local Development Plan.

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Main Issues

The main issues to consider in the determination of this application relate to the principle of the use, the design/ visual impact, drainage and impact on highway safety, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The site is white land in the Adopted Local Development Plan and the principle of development is therefore considered acceptable subject to meeting the criteria of the relevant planning policies.

Policy SI 2 states that new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria. Policy SI 3 relates to new education facilities and states that new school developments should be appropriately located, provide appropriate drop-off and parking facilities, include provision for other community uses and phase school provision. Policies PS 1 requires that development should be directed to the most sustainable locations. Policy SI 5 seeks to protect open space subject to certain criteria.

At the current time, the site is used as informal open space and local residents use the site for amenity purposes. SI 5 states development on open space would not be permitted unless it would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment (criterion i). Criterion iii requires that the development can provide appropriate open space provision, that delivers a wider community benefit and is provided in a suitable alternative location.

The site is located in the ward of Mynyddbach and forms part of the Accessible Natural Greenspace (ANGS) for the ward. Mynyddbach has 7.6ha per 1000 head of population of ANGS according to the latest Open Space Assessment; 5.6ha above the recommended target. The loss of the site (1.78ha) would not increase the local area of deficiency in Clase in terms of accessibility to ANGS and the majority of residents in the ward have good access to ANGS. Conversely, there could be an improvement for some of these residents in terms of access to FIT provision given that the all-weather pitch and MUGA that are indicated to be available out of hours. It is not considered necessary to condition access out of hours to these facilities given that the proposal complies with SI 5 (i)). The proposals are therefore considered acceptable in terms of the loss of open space.

The Education department has provided information to support the requirement for the new school and it is considered to be in a sustainable location given the proximity to bus services and other facilities within what is primarily a residential area. The site is in close proximity to Clase Community Centre, the retail units on Rheidol Avenue and Clase Primary School and active travel links are proposed to be improved within the vicinity as part of this application (improvement to footpaths in the area).

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The site is also located adjacent to various footpaths that provide good integration with the surrounding area. In addition to this, the site has appropriate drop-off and parking facilities and includes a MUGA and all-weather pitch which are proposed to be used out of hours by the community. The proposal is therefore considered to comply with Policy SI 3.

The principle of the development in this location is therefore considered acceptable.

Design/ Visual Impact/ Layout

Policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this.

Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

The school has been subject to detailed discussions regarding the proposed layout, form, character and appearance at pre-application stage. The proposed layout is considered to have a good relationship with the frontage along Hill View Crescent as it faces onto it with only the pedestrian area in front and provides a presence and welcoming environment for pedestrians. The proposals are considered acceptable to meet the needs of the new purpose built use as well as providing a building with a clear and bold architectural identity to help raise the architectural standards of the locality. The materials proposed are considered appropriate within the area and the splayed building would provide excellent views to the east over Swansea. The building would also provide shelter to the playground from the prevailing south westerly winds. PV panels are proposed on the roof but as no details have been provided, a condition to this effect would be attached to any grant of permission.

The car parking area is located at the side of the school where there will be natural surveillance from the road/ frontage but in a location that does not detract from the overall aesthetic of the building or its relationship to Hill View Crescent. The parking area also provides appropriate access to the all-weather pitch and MUGA for use out of hours which would enable vehicles to be overlooked by users of the facility. The all-weather pitch has been set as far away as possible from the existing dwellings within the vicinity.

The Police Designing Out Crime Officer has provided general advice with regards to site security and the site would be fenced with weldmesh fencing and gates as suggested to a height of 2.4m.

The proposed layout and design is therefore considered acceptable.

Neighbouring/ Residential Amenity

Policy PS2 seeks to avoid conflict due to unacceptable juxtaposition of residential and non-residential uses. Policies RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively.

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In general terms, it is considered that a school in a residential area is acceptable in principle subject to ensuring sufficient buffers are provided from the building and outdoor amenity areas. It must also be acknowledged that the existing site is used as an informal amenity area and could give rise to a degree of noise as a result of usage through the day and evening as the land is publicly accessible currently.

With regards to the impact of the building, due to levels across the site, there would be a requirement to build up levels to create a level development plateau of approximately 4m+. Notwithstanding this, the proposed building would be located a distance of approximately 29m from the rear of Nos. 32, 34 and 36 Beaconsview Road and 36.5m from the front elevation of No. 47 Beaconsview Road. These distances are considered sufficient to ensure that there are no issues of overlooking or overbearing impact from the development given the orientation of the proposals and their relationship to neighbouring properties. Additional screen planting is also indicated on the landscape strategy and would need to be further detailed in a landscape condition attached to any grant of consent. An external lighting plan has also been submitted indicating no light spill onto adjacent properties above 1 lux. It is considered that the proposal would not give rise to unacceptable noise/ disturbance to these properties.

On the opposite side of the site, the school would be located approximately 28.5m from the nearest property on Hill View Crescent with the car park in between. It is not considered that the building would result in any overbearing impacts or result in increased noise/ disturbance although the car park is located between the school and the dwelling. It is considered that there would be additional arrivals/ departures and associated noise with this (as well as pick up and drop offs) but it is not considered that this would be significant enough to warrant a refusal of the application. In addition, screen planting is proposed to further buffer any noise from the development and two areas of the garden would have light spill of 1 lux from the external school lighting which is not considered to raise any significant amenity issues.

The all-weather pitch would be located a minimum of 19.5m from the nearest corner of the rear properties on Hill View Crescent (a rear projection from No. 84) but these are angled away and situated at a higher level than the field. Again, screen planting is proposed which is considered to provide a buffer to noise and no lighting is proposed for this pitch which would ensure that there is no issue from lighting. The proposals are therefore considered acceptable on balance given the distance/ relationship between the playing field and the adjacent properties.

The Council's Pollution Control team has raised no objection to the application and has no issues with regards to air quality or light pollution. It should be noted that a lighting plan has been submitted and the all-weather pitch and MUGA are not intended to be floodlit. In terms of noise, plant and equipment would be located on the roof and therefore it is considered necessary to attach a condition requiring ventilation and fume extraction details to be submitted to and agreed prior to first beneficial use. Given the proximity to dwellings, it is also considered appropriate to require a CEMP to be provided for the construction phase of the development.

Whilst the site has been previously developed, the applicant has submitted a Phase 2 Ground Investigation Report. Pollution Control agree with the recommendation for further sampling work to be undertaken in respect of arsenic and a condition to this effect would be attached to any grant of consent.

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The applicant has indicated that clean subsoil and top soil would be imported onto the site and whilst the Pollution Control team has requested a condition regarding soil profiling and verification, it is considered that this is controlled via other legislation and would not meet the tests of a condition. An advice note would be attached to any grant of consent to ensure the applicant is aware of their duties.

Highway Safety/ Parking/ Active Travel

Policy T1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking. Concerns have been raised by several residents about parking provision, increased traffic (including construction traffic and buses) on a narrow street and the resultant impact this would have on safety, especially for children.

The application has been supported by a Transport Assessment which has considered the existing traffic situation at both the B4489/ Rheidol Avenue and Long View Road/ Rheidol Avenue roundabout at 8-9am (school drop off/ am peak), 3-4pm (school pick up) and 5-6pm (pm peak). The access strategy would include additional measures to improve the current arrangements that were suggested by the Local Highways Authority during pre-application advice. This would include the inclusion of a one-way system along Hill View Crescent to ensure a steady flow of traffic and movement through Hill View Crescent and past the school. It is also proposed that the 20mph zone in the area is extended to include Hill View Crescent along with traffic calming in the form of speed cushions. The footpath along the southern boundary of Hill View Crescent would be improved and/or widened.

The Highways Authority has considered the Transport Assessment and Travel Plan and noted that the assumptions to traffic generation are valid and the results suitably robust. The modelled junctions are predicted to remain within practical capacity under all modelled scenarios. A review of survey footage has identified that, during the AM peak hour, queuing on the B4489 southbound extends back to the B4489/Rheidol Avenue junction. This is associated with capacity constraints at the B4489/Heol Ddu signal-controlled junction. As such, an assessment has been undertaken of the changes in traffic flows to/from the junction in 2021 and 2026. This has identified that the proposed development will result in increases in traffic flows to/from the junction of up to 6%. This is not considered to be a material increase in traffic flows, and it is on this basis that no further assessment is considered to be required.

The Highways Authority consider that detailed analysis of the recorded accidents, locations and causation factors indicate no common factors and no issues with the highway layout. However the provision of speed restraint, traffic calming on Hill View Crescent, together with alterations to the existing 20mph zone to include Hill View Crescent would further protect vulnerable road users. The provision of controlled (zebra) crossing points on Longview Road either side of the Rheidol Avenue Roundabout would further improve accessibility for non-car modes.

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The vehicular access strategy for the site includes the design of a new entrance via Hill View Crescent, with a 3.5m wide layby to accommodate a bus drop-off/pick-up point proposed immediately south of the school entrance. Sufficient parking space has been provided for both motorised vehicles and cycles.

As residents note, the main traffic impact is likely to be on Hill View Crescent itself. The Highways Authority has recommended various improvements including the introduction of a residents parking scheme with limited waiting for residents exempt. This and the one-way system would be secured through a Grampian condition requiring a Traffic Regulation Order to be obtained prior to the commencement of development.

A framework travel plan has been submitted which covers initial surveys of pupils travel habits at the new location, action to increase sustainable travel and monitoring of achieved results on a regular basis. The existing school already supports a healthy level of sustainable travel with around 50% of pupils using sustainable modes to travel to school, mainly walking. The travel plan will seek to increase these proportions which would have a corresponding reduction in car usage. Details of a final travel plan would be attached to any grant of consent.

Local congestion occurs at all school sites at start and finish times, however the identified improvements would help minimise this and accommodate as much of the demand as possible. Proposed safety enhancements would also provide benefit to the wider community as well as future users of the school. Beacons View Road would also require stopping up before any construction works commence.

The majority of the residents' concerns have been addressed above. However, previous damage to cars on the road would be given limited weight in the determination of this application as the road is a public road and the introduction of a one-way flow could reduce issues to a degree. The public road is also considered wide enough for construction traffic and buses and the Highways Authority has not raised this as an issue. Residents parking would also enable residents' children to be picked up in a manner similar to the current situation. Finally, the introduction of residents only parking should ensure sufficient parking for residents is provided.

The Highways Authority offers no objection to the proposals subject to conditions and the proposals are therefore considered acceptable in terms of access, highway safety and parking provision in relation to LDP policy subject to conditions which would address the concerns raised by residents.

Ecology/ Trees/ Landscape

Policy PS 2 references the strategic green infrastructure network which is supplemented by Policy ER 2 which seeks to protect and enhance green infrastructure. Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site.

One individual tree is to be removed to facilitate the development, which has been classified as a low quality (Category C) feature. The loss of this tree is necessary to achieve the construction proposals for the site.

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Tree removal would be mitigated with a high quality scheme of new tree planting and associated landscaping works which represents an opportunity to enhance the quality, benefits and resilience of trees on site and the Tree Officer has no objections to the proposal subject to a condition requiring tree protective measures and a detailed landscaping scheme.

In terms of ecology, the site does not contain any local/ statutory designations and the application has been supported by a Preliminary Ecological Appraisal. The Council's Ecologist has recommended several advice notes be attached to any grant of consent including for bats, birds and hedgehogs amongst others. It is noted that invasive species are present on site and a remediation strategy would be attached as a condition to any grant of consent. The Ecologist has also requested a CEMP be provided and this is considered appropriate and necessary. Whilst a lighting plan was requested by condition, one was provided as part of the application indicating minimal spill on the surrounding area and is therefore not necessary. Both NRW and the Council's Ecologist welcome the recommendation that all scrub and trees will be retained along the eastern boundary with an additional buffer of 3m between this habitat and the development, and this area would remain unlit, as stated in section 5.2.1.4.1 of the Preliminary Ecological Appraisal. The Council's Ecologist has recommended that the Mitigation Recommendations are attached as a condition to any consent.

The Council's Ecologist has also requested additional pre-construction surveys for badgers and reptiles prior to the commencement of development. With regards to the former, the submitted Ecological Appraisal indicates that there is no evidence of badger on site. As such, it is not considered necessary or reasonable to attach a condition requiring further survey work. An advice note is considered pertinent to ensure the applicant is aware of their duties contained within other legislation.

With regards to reptiles, the report recommends that no additional surveys are required for reptiles as the site alone is not suitable and disturbance from people, cats and land management make this unlikely. As there is potential to support reptiles, a 3m section of scrub would be fenced off which is considered sufficient. In addition, an advice note would be attached to any grant of consent to remind the applicant of their duties in relation to protected species. It is not considered necessary to attach a condition regarding site clearance works to be undertaken outside of reptile hibernation season as vegetation clearance is not development and there is no planning reason for this.

In terms of enhancement measures, various measures have been proposed within the Preliminary Ecological Appraisal. It is not considered that all of these measures would be necessary and some could be included within the detailed landscaping scheme for the site and a condition requiring details of this would be attached to any grant of consent.

The proposals are therefore considered to be acceptable in terms of their impact on ecology, trees and the landscape subject to the conditions referenced above.

Green Infrastructure

Policy ER 2 states that Green Infrastructure should 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. ^{Page 127}

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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.

It is clear that policy SI 5 allows for the loss of open space but this policy requires consideration of the impact of development on Green Infrastructure. The Council's Ecologist has also requested that a Green Infrastructure Assessment is provided by the applicant. There is no policy requirement for an assessment however, and it is considered that whilst amenity grassland would be lost, there is significant scope to provide and create interconnected areas of green infrastructure and fill gaps in the existing infrastructure. The inclusion of features within the landscape strategy would provide various benefits that could include improving grassland diversity, a sensory garden to encourage pollinators and a kitchen garden. Added to this, the proposals would introduce opportunities for contact with nature by the school children, improve health and wellbeing of children and encourage active and passive recreation which are positive aspects of the development. An attenuation feature would also be included as part of the development within the site. Therefore, it is considered that the loss of green infrastructure on site would be mitigated acceptably with a range of different options to be incorporated into the development.

Climate Change and Renewable/ Low Carbon Technology

Policy ER 1 seeks to mitigate the effects of climate change. In this instance, the site is not located within a flood area and the drainage strategy would adequately mitigate for flooding subject to detailed design. RP 5 also seeks to avoid flood risk. Policy EU 2 requires consideration of renewable and low carbon technologies.

Firstly, the drainage strategy would include cellular storage and discharge to an attenuation pond located in the south eastern corner of the site. The Council's Drainage Officer has raised no objections subject to detailed drainage design. No issues of flooding are raised subject to incorporation of a drainage condition to attenuate flows from site.

The applicant has also submitted a detailed Sustainability and Energy Statement outlining the measures to be taken including conservation and enhancement of the natural environment, energy use and carbon emissions, the management of water resources, transport, waste management and sustainable construction, prevention and control of pollution and community and social needs. This outlines the various design responses to these issues and is considered acceptable in terms of climate change resilience. PV panels are also proposed on the roof and details of these would be required by condition.

Drainage

Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk. Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

The proposed development provides for cellular storage beneath the MUGA with an outflow to an attenuation pond within the site and then controlled rate discharge to DCWW apparatus. The Council's Drainage Officer has raised no objection to this subject to agreement from DCWW. DCWW do not object to the proposals subject to a drainage condition.

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DCWW do note that there is existing drainage infrastructure located under the site (including foul and surface water sewers and an abandoned distribution watermain) and this would need to be formally diverted as the development would be situated within the protection zone of the public sewers measured 3 metres either side of the centreline. Whilst DCWW can confirm it may be possible to divert the sewers if the developer applies under Section 185 of the Water Industry Act, they have requested the applicant contact them to discuss further options.

Heritage

GGAT has advised that information in the Historic Environment Record shows that there are no designated or non-designated historic assets within the proposed development area. No features are noted on historic mapping sequences. On this basis, it is unlikely that archaeological remains would be encountered during the development and GGAT has no objections to the proposal.

Employment and Training Opportunities

Policy IO 2 seeks to provide training opportunities to maximise added benefits in line with the Council's Beyond Bricks and Mortar (BBM) policy. The Education department has confirmed that part of the terms and conditions for 21 century schools funding with Welsh Government is that certain community benefits are met. The Education department would work with BBM to help set the targets for each project and work with them more specifically on the work placements for projects. As this is a Council scheme and the requirements are included as part of the funding for the project, it is not considered necessary in this instance to provide for this in a S106 agreement as it is suitably controlled by other means.

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, and having regards to all material planning considerations, including the Human Rights Act, on balance, the proposal is considered an acceptable form of development at this location that would not unduly impact upon the visual amenities of the area, the residential amenities of surrounding properties, ecology or highway safety.

RECOMMENDATION

APPROVE, subject to the following conditions;

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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2 The development shall be carried out in accordance with the following approved plans and documents: 00001 Rev: PL04 (Site Location Plan); 00003 Rev: PL05 (Proposed Site Plan); 01001 Rev: PL05 (Proposed Floor Plan); 01002 Rev: PL05 (Proposed Roof Plan); 02001 Rev: PL05 (Proposed Elevations); 0010 Rev: P03 (External Lighting Layout); 09301 Rev: PL05 (Proposed Site Sections); 09402 Rev: PL05 (Proposed Cycle Store); 09403 Rev: PL05 (Proposed Bin Store) and; 2200 Rev: P03 (Earthwork Strategy) received on 4th March 2019 and 09401 Rev: PL06 (Proposed Sprinkler Tank Elevation) received on 20 Mar 2019.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

3 No development shall commence, including any works of demolition, until a Construction Environment Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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.

4 Notwithstanding the details submitted to date, no development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed assessment of the potential to dispose of surface and land water by sustainable means. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development

Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

5 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 that is in substantial accordance with the Landscape Strategy Plan (09000 Rev: PL05) 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.

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The eastern boundary scrub/bracken/broad-leaved plantation woodland must be retained and a 3 metre minimum buffer zone must be left around the scrub edge to preserve the green corridor and maintain connectivity with surrounding habitats. This shall be fenced off during the entire construction phase to avoid / prohibit access by people and vehicles.

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.

- 6 Prior to the commencement of development, full details of the Ecological Enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancements shall be implemented prior to the first beneficial use of the building hereby permitted.

Reason: To ensure ecological enhancements are incorporated in the development hereby proposed to ensure policy compliance.

- 7 Prior to the first beneficial occupation of the new school hereby approved, the car parking spaces shall be clearly demarcated on the ground and the cycle parking spaces and shelters provided as indicated on the proposed site plan (Plan no. 00003 PL05) and retained as such thereafter for the lifetime of the development for their intended purpose.

Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the school.

- 8 Prior to their installation on site, full details of the roof mounted PV panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure details of the PV panels to be installed do not have a detrimental impact on the visual amenity of the building as no details have been provided with the application.

- 9 Prior to the first beneficial use of the school hereby permitted, full details of a School Travel Plan to include measures to reduce reliance on private vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be monitored and updated as required in accordance with the approved details.

Reason: To promote sustainable means of transport to the school for the lifetime of the development.

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- 10 No development shall commence until details and/ or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 11 Prior to the first beneficial use of the school hereby permitted, the lay-by at the front of the school shall be laid out in accordance with the approved plan and retained for the parking of buses for the lifetime of the development.
Reason: To ensure adequate parking provision for bus transport to and from the school is provided in the interests of highway safety.
- 12 No development shall commence until the necessary Stopping Up/ Diversion Order under Section 247 of the Town and Country Planning Act 1990 (as amended) for the section of adopted highway running through the site has been approved.
Reason: To ensure the proposed development does not obstruct a current adopted highway.
- 13 Prior to the commencement of development, full details of the off-site local highway improvement works to reduce vehicle speeds, provide crossing points on Hill View Crescent and Longview Road and improve highway safety shall be submitted to and approved in writing by the Local Planning Authority. The approved off-site works shall be provided in accordance with the approved details prior to the first beneficial use of the school hereby permitted.
Reason: In the interests of highway safety to ensure the highways improvements within the vicinity of the site are provided in a timely manner.
- 14 Prior to the first beneficial occupation, confirmation that a Traffic Regulation Order has been issued/ made to Hill View Crescent to include one-way working, a reduction in speed limit, residents car parking provision and associated signage shall be submitted to the Local Planning Authority.
Reason: In the interests of highway safety to ensure the necessary highway improvements are undertaken.
- 15 Prior to installation on site, full details of the fence around the all-weather pitch and MUGA shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
Reason: In the interests of visual amenity as details of the sports fence has not been provided with the application.
- 16 Prior to the commencement of development, full details of an Invasive Non-Native Species Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
Reason: In the interests of biodiversity and amenity within the area.

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17 The use hereby permitted shall not commence until a scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, including its location and the location of all input and output points, has first been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be fully installed prior to its use being commenced and maintained in accordance with the manufacturer's details for the lifetime of the permission.
Reason: In the interests of neighbouring residential amenity to ensure noise and odour does not impact on neighbours.

18 Prior to the commencement of development, a remediation strategy options appraisal shall be submitted to and approved in writing by the Local Planning Authority unless additional sampling, bioaccessibility and assessment to determine a site-specific assessment for arsenic remediation is not required has itself been submitted to and approved in writing by the Local Planning Authority.

Any remediation strategy options appraisal shall indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 of the submitted Hydrock Geo-Environmental Report to an acceptable level, in a managed and documented manner, to best practice and current technical guidance,

Reason: To ensure the effects of arsenic at the site are either further assessed to evidence that they would not pose a problem or remediation is provided to overcome the impact of arsenic on site.

19 On completion of any remediation works required as a result of Condition 19, a validation verification report demonstrating that the remediation works have been carried out to an acceptable manner and remediation targets have been achieved, shall be submitted to, and approved in writing by the Local Planning Authority. Such a report shall be submitted prior to the first beneficial occupation of the building hereby approved.
Reason: To ensure that any remediation works required are undertaken in an appropriate manner to ensure there are no future issues surrounding arsenic for future users on site.

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, PS4, IO1, IO2, HC1, SI1, SI2, SI3, SI5, SI8, ER1, ER2, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU2, EU4, RP1, RP2, RP3, RP4, RP5, RP6 and RP9.

2 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.

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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).

3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

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 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).

5 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.

6 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).

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- 7 Pre-construction checks must be undertaken for badger. All trenches and excavations must be fenced off or covered-over at night to prevent any badgers (or other animals eg 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 badgers/hedgehogs (and other wildlife) each morning before starting construction activities.
 - 8 The applicant is advised to consider the comments of the Police Designing Out Crime Officer which are available to view in full on the Council's website: www.swansea.gov.uk/planningsearch utilising the application reference number.
 - 9 Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with the relevant Code of Practice and Guidance Notes.
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Item 6 (Cont'd)

Application Number:

2018/2691/RG3

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 - 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 - 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 - 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 - 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.

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.

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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 - SI2 - Providing and Safeguarding Community Facilities

Providing and Safeguarding Community Facilities and Locally Important Uses - New community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

LDP - SI5 - Protection of Open Space

Protection of Open Space - development will not be permitted on areas of open space unless it complies with specific criteria.

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 - 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.

Site History

App Number	Proposal	Status	Decision Date
A00/1876	Erection of tw single storey modular buildings to provide 4 classrooms (council development regulation 3)	WDN	19.04.2001

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2018/2691/RG3	Construction of a two storey detached education block (including seven classrooms, learning resource room, kitchen, dining hall / multiuse area and WC's), installation of external artificial playing surfaces, addition of 4 windows to former drama block, new access road, 16 space car parking area with associated sprinkler and bin store buildings (Council Development Regulation 3)	PDE
2016/1826	Replacement of existing classroom demountable building with new detached classroom building and provision of 1.3 metre high chain link fencing above existing stone wall (Council Development Regulation 3)	APP 28.10.2016
2008/1073	Reprofiling of land through the deposit of waste earth/spoil to a height of 300mm (Council Development Regulation 3)	APP 14.07.2008
2006/2830	New teaching block and associated car parking (Council Development Regulation 3)	APP 06.09.2007
2005/1686	Erection of 2.1 metre high and 2.4 metre high means of enclosures (Council Development Regulation 3)	APP 12.01.2006

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2004/0381	Construction of Multi -Use Games Area with 4 No. 12 metre high floodlights (Council Development Regulation 3)	APP	21.04.2004
2003/0192	Construction of new pitched roof to Science Block and general external refurbishment including alterations to fenestration details (Council Development Regulation 3)	APP	31.03.2003
2001/1981	Erection of two single storey modular buildings to provide 4 classrooms (Council Development Regulation 3)	APP	29.01.2002
2001/1452	Erection of two single storey demountable buildings to provide 4 classrooms (Council Development Regulation 3)	REF	15.11.2001

RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by means of neighbour notification letters sent to adjacent neighbours, a site notice and a press notice.

THREE letters of OBJECTION and ONE letter of SUPPORT have been received.

The objections raise are summarised as follows:

- o Additional 200 pupils will increase traffic and exacerbate existing traffic and parking problems and result in highway safety issues.
- o Additional Welsh education could be accommodated at Bryn Tawe.
- o Infrastructure of village is at capacity.
- o Object to car parking and access off an already busy bus bay- safety issue.
- o Existing traffic congestion, noise and anti-social behaviour issues.
- o Disruption of building work in terms of vehicles and noise will be unacceptable.
- o Existing drainage issues for property backing onto school playing fields. New building and pitches will increase water logged gardens.
- o Noise and light pollution.

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- o Pollution in the area from traffic and buses is already at an unacceptable level.
- o Question statement that facilities will not be used out of school hours.

The Letter of support stated:

Please note that Councillor Susan Jones has a conflict of interest as her personal residence borders the school. I am surprised that this is not declared in her letter of objection and as such her objection should be dismissed.

Amended plans were received which increased the height of the proposed perimeter fencing to the sports pitches from 1.2m to 4m. Neighbours were re-consulted. No further representations were received.

Ward Councillor

I would like to place on record my objections to the above planning application for Ysgol Gyfun Gwyr in Gowerton.

1. The new block to accommodate a further 200 pupils at the school would result in more traffic in the village. Gowerton is the crossroad for access to Waunarlwydd, Gorseinon, Dunvant and Penclawdd and this brings excessive traffic to our village. Any additional pupils would exasperate an already horrendous situation. My understanding is that any additional Welsh education provision could be accommodated at Bryn Tawe because of under use of this building. YGG have already acquired the Infants School to increase their pupil population in the last 4 years. The infrastructure of the village is already at capacity.

2. The proposal of a car parking area and additional access onto YGG site at an already busy bus bay area is unbelievable and I feel that this planning application is not acceptable. At both home time and commencement of the school day the area is already a health and safety issue.

This village is the only place in Swansea with two comprehensive schools being accommodated and I feel that this application should be refused.

Welsh Water / Dwr Cymru (DCWW)

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 & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response (Ref: PPA0003608) has been acknowledged and included at Appendix 8 of the accompanying Pre-Application Consultation (PAC) Report, which highlights that the development site lies in a catchment draining to designated waters and the developer is required to explore and exhaust all technical options for surface water drainage, including soakaway systems.

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As part of this latest application (Ref: 2018/2691/RG3) the same 'Drainage Strategy' (November 2018) has been submitted, albeit accompanied by a Ground Investigation Report (No. G40193/IR) which corroborates that percolation testing and soakaway systems have proven unviable. In this respect, we acknowledge and accept that the developer has explored and exhausted all alternative options and therefore a connection to the public surface water sewer is required, at an attenuated discharge rate of 5 l/s, as shown on the submitted 'Proposed Drainage Layout' (Drawing No. YGG-CAP-61-XX-DR-D-0001). However, as previous (Ref: PPA0003608), we remind that a strategy for surface water removal shall be implemented delivering sufficient compensation for foul flows. Whilst the Drainage Strategy highlights proposals to divert surface water flows from the existing roof and yard runoff, amounting to an area of 760 square metres, it fails to identify the type of proposed system in which the existing flows would be diverted into and is unclear from the accompanying 'Proposed Drainage Layout'.

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 development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall not be occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this shall be received by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water 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.

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.

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Sewerage Treatment

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

Water Supply

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

Natural Resources Wales (NRW)

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 requirement. We would object if the scheme does not meet this requirement.

Requirement: Submission of bat activity surveys for the buildings affected by the proposals, to understand the impacts on bats (European Protected Species).

European Protected Species

We welcome the submission of the report entitled 'Ecological Impact Assessment Report - Ysgol Gyfun Gwyr', by Wildwood Ecology, dated 14 August 2018, submitted in support of the application.

The proposed works include internal works to the existing Drama and Kitchen/Canteen blocks; however, we have not had any further information or plans on the extent of the internal works. A scoping assessment was carried out of the buildings for their potential to support bats, which identified that the Caretaker's House, Canteen and Drama Hall all have potential. Section 5 'Conclusions and Recommendations' of the report advises that bat activity surveys are required to be carried out on these buildings. As we do not have the plans on the extent of works to be carried out on the buildings, we advise that you firstly speak with your Authority's Planning Ecologist on the scope of the activity surveys required to inform the application.

All surveys should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016. The survey information should be provided upfront in support of any subsequent planning application. Please note that depending on the results of the survey, a European Protected Species Licence may be required for works to continue.

Lighting Proposals

We welcome that no vegetation is required to be removed for this development. We recommend that boundary vegetation remains unlit and a dark corridor is retained, particularly around the Caretaker's House where the BLE droppings were found. The results of the bat activity surveys can be used to inform of any further light sensitive areas.

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Drainage

Since 2007 issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet (which includes the Loughor Water Framework Directive (WFD) waterbody). As such, a Memorandum of Understanding (MOU) has been prepared and agreed by all relevant parties to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and the Local Planning Authority (LPA) must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

We note that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. Please note that we would oppose any alternative proposal for a non-mains drainage system at this location.

Dwr Cymru/Welsh Water (DCWW) should be consulted to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.

The LPA should accord with the terms and content of the agreed MOU; foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

The agreed relevant details must be recorded on the LPA's register of compensatory surface water disposal. We also recommend that the Lead Local Flood Authority are consulted in relation to the surface water.

Coal Authority

I have reviewed the proposals and confirm that the defined Development High Risk Area (DHRA) just runs across the northern and south-western boundary of the site.

Due to the location of the DHRA in relation to the site the development proposed as per Drawing No. AD028_LOC2 will be located within the Low Risk Area. However, we note that the application is supported by a Draft Phase 1- Desk Study Report (ref: G40193/PRA, dated December 2018) prepared by Quantum Geotechnical Limited.

Having reviewed the available coal mining, historical and geological information the report author concurs with our information, that the site is not within the DHRA. Section 6.1 concludes that given the location of the coal outcrops within the area, whilst shallow historic mine workings are not anticipated to be present an additional assessment will be included when available.

We would therefore expect the LPA to consider the professional opinion of the report author in respect of the ground conditions on the site and to impose any planning conditions which they consider necessary to ensure the safety and stability of the development.

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Head of Transportation and Engineering

The proposed development is part of the 21st century schools and education programme and consists of the stand-alone two storey block with the installation of an external artificial playing surfaces and minor remodelling of the existing drama and canteen blocks. All works take place within the existing curtilage of the school site. The main current vehicular access to the site is off Talbot Street but the construction vehicles will not be using this access due to concerns regarding congestion. The all-weather pitches will only be available for use by the school and there will be no private hire or community use associated with them.

The proposed plans include an additional car parking area which can accommodate 16 parking spaces, the access to this area is off Park road (where the existing buses pick up/drop off). The proposed access to the new car park will be lit with a 5.5m width and 2m footways along its length. The car park's main function will be to cater for the increase in teacher numbers to support the increase in roll numbers at the school. The car park will be accessed off the bus lay-by (off Park Road) and these works will need to be undertaken by a Section 278 agreement with the Highway Authority. As part of the Section 278 there will be a requirement to provide a Construction Traffic management plan which will need to be agreed prior to any works commencing on site.

A bin store has been included in the proposed layout and the doors are shown as opening outwards onto the footway adjacent to the bus lay-by. This would not be acceptable and a condition will be added to either have the doors open inwards or slide to avoid any impact on pedestrians walking past the site.

The proposed layout takes direct access off the bus lay-by which links to Park Road. Highways have been consulted throughout the design process and a Transport Assessment (TA) was submitted with the planning application to support the proposal and to quantify the movements. This has been undertaken by Asbri on behalf of CCS.

The TA reports that the planned capacity of the school is intended to be expanded from 1,078 to 1,273, an increase of 195 spaces by 2024. Being a Welsh medium comprehensive then the majority of the pupils (85%) arrive on school buses/coaches (as a result of having a larger catchment). The site is well served by footways and public lighting. The site is also well served by access to the National Cycle Network (should that be a viable alternative for staff/pupils). There is also a train station within easy walking distance of the school.

An analysis of the current bus provision has revealed that there is currently capacity on the existing buses to accommodate some of the increased numbers of pupils, which will reduce down the additional numbers of 'new buses' needed.

The bus lay-by operates on a one way basis and this will continue during construction and following completion of the construction works. The accident analysis revealed no reported accidents in the vicinity of the school access, therefore its continued use is acceptable.

Overall the proposed development will result in additional 50 two way flows in both the am and pm peaks. This will be split between pupils arriving by cars and buses and staff arriving (predominantly by car).

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Seven junctions were analysed (after agreeing the scope of works with the Highways Officer), assuming the peak times of 0800 to 0900 and 1500 to 1600 (school peak times). All the junctions tested showed minimal impact post development (for the year of opening 2024). It was noted that there are existing congestion problems at certain junctions in Gowerton but it was not considered that this development would give rise to any highway safety concerns.

An analysis of the local highway network, including provision for pedestrian, cyclist and public transport movement was undertaken, and concluded that there are opportunities for pupils and staff of the proposed development to undertake trips by alternative modes of travel to the private car and that the site is closely situated to existing bus services and cycle routes.

Given that the school is already fully operational and pedestrian/cycle links already in place then it is considered that there is not any requirement to provide enhanced facilities. The provision of the additional car parking areas for staff (with the access off Park Road) should ensure that there is no detriment to Talbot Street which is already over capacity.

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

1. The front boundary walls surrounding the car parking area being kept below 1m in the interests of visibility
2. The access to the car parking area to be constructed under a Section 278 Agreement with the Highway Authority.
3. The bin store doors being amended to either open inwards, or slide, to prevent any obstruction being caused to pedestrians passing the site.

Drainage Officer

Pending a positive response from DCWW, suggest condition requiring a 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.

Tree Officer

The proposals do not adversely affect trees that are present in the school grounds. The extension block does get quite close to trees on the south western boundary, however, the area is already covered in hard standing making damage to the trees unlikely. The trees on the north eastern boundary are clear of the proposed artificial surfaces, however the trees could be damaged during construction.

To prevent damage occurring, a condition requiring tree protection plan is recommended in the event of approval.

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Ecology Officer

Initial Comments

The recommendations made in the Ecological Impact Assessment (Wildwood Ecology) should be adhered to. In relation to bat surveys, they have specified the detached house, drama building and canteen. If anything contained within the recommendations section is unclear, the applicant is encouraged to enquire here for further clarification.

Final Comments

Based on the more detailed description of works given by the applicant, and the revised recommendations of Alex Pollard from Wildwood in her email, I am satisfied that a survey is not required. The recommendations regarding a method statement and toolbox talk should be made conditional, with the toolbox talk condition discharged via written confirmation from the appointed ecologist.

Rights of Way Officer

Note that public footpaths Llwchwr 60 (L60) and Llwchwr 97 (LC97) are both on the site.

APPRAISAL

Planning permission is sought for the following works at the YGG Gwyr Comprehensive School to accommodate an increase in student numbers of 195 by 2024:

- o Construction of a two storey detached block accommodating seven general classrooms, one learning resource room, kitchen, dining hall/multi-purpose area and WCs (1157.7m²).
- o Installation of external artificial playing surfaces (MUGA, 2G and 3G surfaces)
- o Addition of 4 windows to former drama block
- o New access road off Park Road
- o 16 space car parking area
- o Sprinkler and bin store buildings

The proposed development is to be located in the south-east corner of the main school grounds.

This part of the school grounds currently accommodate a multi use games area (MUGA) and grassed sports pitch/field.

The main issues for consideration include the principle of the development, impacts on visual and residential amenity, trees, ecology and highway safety having regard to the provisions of Policies PS1, PS2, ER2, ER11, EU4, RP2, RP3, RP4, RP5, SI2, SI5, T2 and T6 of the Swansea Local Development Plan (LDP) and Supplementary Planning Guidance (SPG): 'The Protection of Trees on Development Sites'.

There are not considered to be any overriding issues for consideration under the provisions of the Human Rights Act.

Principle of Development

On the basis that the part of the site to be developed comprises open space in the form of sports facilities, the following considerations are relevant.

LDP Policy SI 5 (Protection of Open Space) is relevant to consideration of the proposal and states that development will not be permitted on areas of open space unless:

- i. It would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or
- ii. The substantive majority of existing open space provision on the site is to be retained and enhanced as part of the development and the functional use of the facility would be unaffected; or
- iii. The development can provide appropriate open space provision, that delivers a wider community benefit and is provided in a suitable alternative location; or
- iv. A satisfactory financial contribution to compensatory provision is provided towards an acceptable alternative facility.

Planning Policy Wales (PPW) states that the planning system should ensure that adequate land resources are allocated for formal and informal sport and recreation, taking full account of the need for recreational space and current levels of provision and deficiencies, and of the impact of developments related to sport and recreation on the locality and local communities.

PPW states that formal and informal open green spaces, including parks with significant recreational or amenity value, should be protected from development, particularly in urban areas where they fulfil multiple purposes, not only enhancing the quality of life, but contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater. Such open spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce urban heat island effects.

Paragraph 11.1.12 states that "All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- o facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- o alternative provision of equivalent community benefit is made available; or
- o there is an excess of such provision in the area."

This advice is reiterated in more detail in TAN16 Sport and Recreation and Open Space (2009), and advises that the objectives set out in PPW can best be achieved by undertaking local assessment through an Open Space Assessment. Fields in Trust (FIT) have prepared 'Benchmark Standards' for public recreation and open space with a recommended threshold of 2.4 hectares of land per 1000 population.

The Council (Strategic Planning) has prepared an Open Space Assessment to inform the Local Development Plan and this should be utilised to consider existing provision within the areas. TAN 16 advises that only where it can be clearly shown that there is no deficiency, should the possibility of alternative development be considered.

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It is noted that the Council's Open Space Assessment indicates that the existing provision of open space in the Gowerton Ward meets outdoor sports space targets.

The scheme proposes to build on the site of the existing MUGA and locate a car park on existing green space. A new MUGA of 1925m² will be relocated to the existing playing field and two new all weather pitches are proposed (1925m² each) as well as a sprint track and long jump sand pit. As there is no identified deficiency of open space in this locality and given the majority of open space is to be retained and enhanced through provision of alternative facilities, it is considered that the proposal is compliant with the intent of Policy SI 5.

Policy SI 2 outlines the criteria for the consideration of proposals for new community facilities and states facilities must be accessible by Active Travel and public transport and be conveniently located in relation to other facilities and services wherever possible. New development should relate to the local community in terms of scale and character and ensure the amenities enjoyed by adjoining occupiers are not affected.

In this case, the new building and sports facilities are located within the boundaries of an existing educational site which can be reached by walking, cycling and public transport and visual and residential amenity impacts are considered acceptable as discussed further below.

As such, the principle of the development is considered to be acceptable and will provide additional educational facilities for the existing school and complies with the provision of Policies SI2 and SI5 of the Local Development Plan.

Visual Amenity

Policy PS2 of the LDP states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

The existing campus comprises a mix of building styles and materials including brick faced pitched and flat roof buildings and powder coated sheet cladded demountables.

The proposed new two storey building would measure approximately 47m in width, 19.5m in depth, and 8.5m high. The building is of contemporary style with a primarily flat roof design, with a higher mono-pitch feature element over the entry to the building (approx. 9.5m high).

A 'Schedule of Anticipated External Finishes' specifies a grey standing seam metal composite sheet system roof finish and wall finishes to be a combination of smooth render (Olive yellow colour RAL1020), facing brickwork (type and colour to be confirmed), vertically hung cedar cladding and coloured Trespa panels (potentially consisting of the school badge colours). PCC aluminium windows/doors and curtain railing in anthracite grey are proposed, along with steel doors to the plant room.

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The scale and design of the proposed building is considered to be appropriate, given its context, within the existing school campus. The proposed development is not considered to have an unacceptable impact on the character and appearance of the area. A condition is recommended requiring details of materials to be submitted for approval.

The proposed new windows to the drama block raise no concerns in terms of visual amenity.

The proposed bin store comprises a fenced area measuring 6.8m wide, by 4.7m deep and 2m in height. It is to be located off the existing lay-by and is proposed to be dark green in colour to match existing fencing.

The proposed sprinkler housing building is to be located to the north-east of the new building and would measure 10.7 m wide, 7m deep and 3.5m high. Materials are proposed to be a combination of smooth render, vertically hung cedar cladding and steel doors to the plant room and standing seam metal composite sheet system for the roof.

The above elements of the scheme are considered acceptable in terms of visual amenity.

It is proposed to enclose all three artificial playing surfaces with 4m high perimeter fencing. Such fencing is considered acceptable within the curtilage of a school site. However, a planning condition is recommended requiring further details of the fencing to be used, to ensure it is of appropriate appearance.

Overall, the scheme is considered to be acceptable in terms of its impact upon the visual amenity of the area and complies with the provisions Policy PS2 of the Local Development Plan.

Residential Amenity

The new building, bin store, sprinkler housing building and alterations to the existing drama block are not considered to cause any issues in terms of impact on neighbouring properties by way of overbearance, overshadowing or overlooking given the position of these works in relation to the neighbouring properties.

The scheme proposes to relocate the MUGA closer to boundaries with residential properties fronting Cecil Road, along with the two all weather pitches. Given this area is already in use as a playing field it is considered that the proposal is unlikely to result in noise and disturbance impacts significantly in excess of the existing situation or above that to be expected from an educational establishment. It is further noted that the presence of existing vegetation along the boundary of the site provides some screening of the proposed MUGA from residential properties adjoining this part of the site.

The proposed site plan contains the annotation 'denotes possible location of flood lighting relocated from the existing MUGA'. No details have been provided of the type, location, number, direction of illumination or hours of operation of the lighting and as such it is not possible to consider this as part of the application. The agent has confirmed that a separate application will be made for the proposed floodlighting. For clarity it is recommended that a condition be imposed stating that planning permission is not granted for the floodlighting.

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Overall, the scheme is considered to be acceptable in terms of its impact upon the residential amenity of the local residents and complies with the provisions of Policy PS2 of the Local Development Plan.

Highway Safety

The proposed plans include an additional car parking area for 16 parking spaces. The access to this car parking area is off the school bus pick up/drop off lay-by which itself is off Park Road. The proposed car park's main function will be to cater for the increase in teacher numbers to support the increase in roll numbers at the school.

A Transport Assessment was submitted with the planning application to support the proposal and to quantify the movements. The TA reports that the planned capacity of the school is intended to be expanded from 1,078 to 1,273, an increase of 195 spaces by 2024. Being a Welsh medium comprehensive then the majority of the pupils (85%) arrive on school buses/coaches (as a result of having a larger catchment). The site is well served by footways and public lighting. The site is also well served by access to the National Cycle Network (should that be a viable alternative for staff/pupils). There is also a train station within easy walking distance of the school.

An analysis of the current bus provision has revealed that there is currently capacity on the existing buses to accommodate some of the increased numbers of pupils, which will reduce down the additional numbers of new buses needed.

The bus lay-by operates on a one way basis and this will continue during construction and following completion of the construction works. The accident analysis revealed no reported accidents in the vicinity of the school access, therefore its continued use is acceptable.

Overall the proposed development will result in additional 50 two way flows in both the am and pm peaks. This will be split between pupils arriving by cars and buses and staff arriving (predominantly by car). Seven junctions were analysed (after agreeing the scope of works with the Highways Officer), assuming the peak times of 0800 to 0900 and 1500 to 1600 (school peak times). All the junctions tested showed minimal impact post development (for the year of opening 2024). It was noted that there are existing congestion problems at certain junctions in Gowerton but it was not considered that this development would give rise to any highway safety concerns.

An analysis of the local highway network, including provision for pedestrian, cyclist and public transport movement was undertaken, and concluded that there are opportunities for pupils and staff of the proposed development to undertake trips by alternative modes of travel to the private car and that the site is closely situated to existing bus services and cycle routes.

Given that the school is already fully operational and pedestrian/cycle links already in place then it is considered that there is any requirement to provide enhanced facilities. The provision of the additional car parking areas for staff (with the access off Park Road) should ensure that there is no detriment to Talbot Street which is already over capacity.

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The Head of Engineering and Transport has reviewed the proposal and raised no objections subject to:

1. The front boundary walls surrounding the car parking area being kept below 1m in the interests of visibility
2. The access to the car parking area to be constructed under a Section 278 Agreement with the Highway Authority.
3. The bin store doors being amended to either open inwards, or slide, to prevent any obstruction being caused to pedestrians passing the site.

With regard to the above requirements, the first requirement is not included as a condition in the below recommendation, as the proposed development does not include the construction of a wall around the new parking area. The second requirement will be brought to the attention of the application by means of an informative. A condition will be used to ensure that the doors serving the bin store do not open outwards onto the adjoining footway.

Overall, the scheme is considered to be acceptable in terms of its impact upon highway safety and complies with the provisions of Policies T6 and T2 of the Local Development Plan.

Ecology

An Ecological Impact Assessment Report was submitted with the application and identified that the drama hall and two other buildings on the site have the potential to support bats. The report recommends that bat activity surveys are required to be carried out on these buildings if they are to have works affecting their roofs, soffits or fascias. Only the drama hall is relevant to the subject application as works to the other buildings do not form part of this planning application.

Natural Resources Wales has advised that it would object to the proposal unless bat activity surveys are submitted for the buildings affected by the proposals. NRW further advised that as they do not have plans on the extent of the works to be carried out on the buildings, the Council's Ecologist should be consulted on the scope of the activity surveys required.

The applicant advises that no works are proposed to the roof void/covering of the drama hall and on this basis, the applicant's ecologist has confirmed that no further survey work is required, although the ecologist recommends a risk avoidance statement is written and a pre-commencement 'tool-box' talk is provided to contractors prior to works being undertaken.

The Council's Ecologist has confirmed that based on the more detailed description of works given by the applicant and the revised recommendations of the applicant's ecologist, no further surveys are required. The Council's Ecologist further advises that the recommendations for a method statement and toolbox talk should be made conditional. Appropriate conditions and informative will be included to address this.

Overall, the scheme is considered to be acceptable in terms of its impact upon ecology and complies with the provisions of Policy ER11 of the Local Development Plan.

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Trees

The Council's Tree Officer has confirmed that there are no objection to this application as the majority of the trees contained within the site are not likely to be affected by the proposed development, due to the location of the proposed buildings and parking area within the site. However, it is considered necessary to add a condition requiring a tree protection plan to be submitted to ensure that the trees are protected during the construction process.

Water Quality and Burry Inlet Habitat Regulations Assessment

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites. On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

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It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR.

The applicant has submitted a drainage strategy for the proposed works. The report advises that whilst the preferred method for the disposal of surface water run-off from the proposed development is by infiltration into the natural ground with no water flowing through a positive outlet, a water course or river. However the report advises that due to the site's ground conditions, this method of surface water disposal is not recommended and the most appropriate solution is to connect to a surface water public sewer. Foul water from the new development will be disposed of via connection to public sewer.

For Gowerton WwTW catchment, the connection of foul flows generated by new development currently introduces the risk of deterioration in water quality of the Burry Inlet and Loughor Estuary. Any increase in the flows to combined sewers may increase the load to the WwTW, as well as the frequency of discharges from storm sewerage overflows during significant rainfall. Consequently, new development will only be allowed to connect foul flows to the sewerage system for disposal once any risk has been reduced through mitigation measures. Mitigation in respect of connection of new foul drainage will normally be in the form of surface water removal away from the combined sewer system. In this instance the Drainage Strategy proposes to facilitate the diversion of existing surface water flows of 760m² of existing roof and yard run-off from the combined sewer system to the surface water sewer system.

The Council's Drainage Engineer has reviewed the drainage strategy and advised of no objections pending a positive response from DCWW and subject to a condition for a drainage scheme. DCWW has acknowledge and accepted that the developer has explored and exhausted all options of disposing of surface water by means of infiltration methods and therefore accepted that a connection to the public surface water sewer is required.

It is noted that DCWW has advised that whilst the Drainage Strategy highlights proposals to divert surface water flows from the existing roof and yard run-off (amounting to an area of 760 square metres, it fails to identify the type of proposed system in which the existing flows would be diverted into. In response, the applicant has advised that this existing surface water run-off will be diverted into the surface water sewer. However, what is unclear at this juncture, is whether this surface water sewer discharges to a water-course or whether it discharges into the Gowerton WwTW.

DCWW therefore recommends a condition be imposed which requires a surface water removal strategy delivering sufficient compensation for foul flows.

Accordingly, a 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:

In view of the above, subject to a conditions for a drainage scheme and surface water removal strategy delivering compensation for foul flows, the proposal is considered to accord with the principles of RP4 of the Swansea LDP.

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Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

Response to Consultations

In response to public consultation responses, concerns raised in respect of impact on residential amenity, drainage and highway safety matters have been addressed above.

With respect to concerns about impact on existing infrastructure, Welsh Water has raised no objections in terms of foul flows and water supply.

With respect to concerns raised regarding noise and disturbance from building works, it is to be expected that construction will result in noise, disturbance and traffic above that presently experience. However these impacts would be temporary in nature.

Conclusion

In conclusion and having regard to all material considerations including the Human Rights Act, the proposal represents an acceptable form of development in terms of the principle of the development, impacts on visual and residential amenity, trees, ecology and highway safety and is considered to comply with the provisions of Policies PS1, PS2, ER2, ER11, EU4, RP2, RP3, RP4, RP5, SI2, SI5, T2 and T6 of the Swansea Local Development Plan (LDP) and Supplementary Planning Guidance (SPG): 'The Protection of Trees on Development Sites'.

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 decision, 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.

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- 2 The development shall be carried out in accordance with the following approved plans and documents:
AD028_PI-SK10 'Proposed Bin Store', AD028_PI-SK11 'Proposed Sprinkler Housing' , AD028_PI-SK2 Rev A 'Sketch Proposed Site Plan', AD028_PI-SK9 'Former Drama Block-Proposed Floor Plan', AD028_PI_SK3 Rev A 'Sketch Proposed Plans' and YGG-CAP-61-XX-DR-D-0001 P01 'Proposed Drainage Layout', received 19 December 2018. AD028-SK3 Rev B 'Proposed Site Plan', AD028_LOC1 Rev A 'Location Plan', AD028_LOC2 Rev A 'Location Plan', and AD028_PI-SK9 Rev A 'Former Drama Block - As existing', received 3 January 2019. AD028-SK6 Rev C 'Existing and Proposed Site Sections' and AD028-SK7 Rev A 'Proposed Sketch Elevations', received 18 February 2019.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 3 Notwithstanding the details shown on t=Drawing No. AD028_PI-SK2 Rev A 'Sketch Proposed Site Plan' received 19 December 2018, the floodlighting indicated on this drawing is expressly excluded from this planning permission.

Reason: To clearly define the scope of this planning permission and for the avoidance of doubt.

- 4 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 5 Notwithstanding the drawings hereby approved, the doors featured within the south elevation of the bin store building hereby approved shall be designed so that they do not open outwards onto the adjacent footway.

Reason: In the interest of pedestrian safety.

- 6 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.

- 7 No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development is submitted to and approved in writing by the Local Planning Authority.

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The development hereby approved shall not be brought into beneficial use until the approved surface water removal strategy has been implemented in full accordance with the approved details and written confirmation of this has been submitted to the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment and in the interests of ecology.

- 8 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan and Arboricultural Methods Statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The documents shall include: the specification and positioning of temporary tree protective fencing; areas of ground protection, no-dig construction, excavation within RPAs where required and any special engineering requirements. The approved tree protection fencing shall be erected prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the submitted documents, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

- 9 No development shall take place on the drama hall before a 'Risk Avoidance Method Statement' pertaining to bats and bat roosts and prepared by a suitably qualified ecologist, including details of a 'tool-box' talk to be provided to contractors, has been submitted to and approved in writing by the Local Planning Authority. Development works shall be carried out in accordance with the approved method statement.

Reason: In the interests of avoiding harm or disturbance to bats or bat roosts.

- 10 Prior to the development works hereby approved being brought into beneficial use, full details indicating the positions, height, design, materials and types of any boundary treatments to be erected (including details of the fencing around the three playing areas) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved before the developments hereby approved is brought into beneficial use and shall thereafter be retained as such.

Reason: In the interest of protecting the visual amenities of the area.

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, ER2, ER11, EU4, RP2, RP3, RP4, RP5, SI2, SI5, T2 and T6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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3 **Development Low Risk Area - Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

- 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 The access to the car parking area is to be constructed under a Section 278 Agreement with the Highway Authority. All highway works are 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.

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.

- 6 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild 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.

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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.

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.

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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 - H1 - Non-Strategic Housing Sites

Non-Strategic Housing Sites - land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

Site History

App Number	Proposal	Status	Decision Date
2016/3273/DOC	Residential Development 43 units - Discharge of conditions 2 (Notification) and 3 (Site Notice) of Planning permission 2016/0177 granted 04/02/2016	APP	23.11.2016
2017/0040/NMA	Non Material Amendment to planning permission 2016/0177 granted 4th February 2016 to allow for the amendment of the surface finish along the estate roads from dressed tarmac to concrete setts	APP	27.01.2017
2017/0223/DOC	Residential Development (Phase 1) - Discharge of condition 5 (External Finishes) of Planning Permission 2016/0177 granted 4th February 2016	APP	15.03.2017
2017/0761/PRE	(Pre-application) Application for the approval of reserved matters - Phases 2 _ 3	MIXPR E	26.06.2017
2017/1148/DOC	Residential redevelopment - Discharge of condition 15 (surface water drainage strategy) of planning permission 2014/1192 granted 6 January, 2016 - (Re-submission)	APP	30.06.2017

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2017/1801/RES	Demolition of existing student accommodation/buildings and construction of 113 no. two & three storey dwellings and associated access road infrastructure, pedestrian links, engineering/drainage works, public open space, woodland planting and landscaping (Details of access, appearance, landscaping, layout and scale pursuant to conditions 2, 5, 6, 8 & 16 of the outline planning permission 2014/1192 approved 6th January 2016) - Phases 2 & 3	APP 13.11.2017
2017/1830/DOC	Residential Development (Phase 1) - Discharge of condition 5 (External Finishes) - (revised brick type) of Planning Permission 2016/0177 granted 4th February 2016	APP 07.09.2017
2018/1577/DOC	Residential Development - Discharge of conditions 7 (Estate Roads) and 14 (Drainage) of Outline Planning Permission 2014/1192 granted 6th January 2016	APP 19.09.2018
2016/1486	Non material amendment to condition 17 of planning permission 2014/1192 granted 6th January 2016 to allow implementation of flood risk mitigation scheme within Phase 4 of residential development	APP 05.08.2016

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2018/2600/S73	Demolition of the existing student accommodation and other University buildings and comprehensive residential re-development of the site, with access road infrastructure, public open space, woodland planting and associated works (outline with all matters reserved) - Section 73 application / variation of Condition 3 to extend timescale for submission of reserved matters of Planning Permission 2014/1192 granted 6th January 2016	PDE
2016/0568	Residential redevelopment - Discharge of condition 15 (surface water drainage strategy) of planning permission 2014/1192 granted 6 January, 2016	NOBJ 19.07.2016
2016/0526	Residential redevelopment - Discharge of conditions 4 (phasing), 10 (Construction Traffic Management), 12 (Construction Environment Management), 13 (Construction Waste Management), and 19 (Aboricultural Method Statement) of planning permission 2014/1192 granted 6 January, 2016	NOBJ 01.07.2016
2015/2560	Pre-application - phase 1 residential development - 40-45 dwellings	PREP OS 17.03.2016

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2016/0177	Construction of 43 no. two / three storey dwellings and associated access, infrastructure, engineering works, public open space and landscaping (Details of access, appearance, landscaping, layout and scale pursuant to conditions 2, 5, 6, 8 & 16 of the outline planning permission 2014/1192 approved 6th January 2016)	APP	15.06.2016
2014/1192	Demolition of the existing student accommodation and other University buildings and comprehensive residential re-development of the site, with access road infrastructure, public open space, woodland planting and associated works (outline with all matters reserved)	S106	06.01.2016
2007/1680	Single storey front extension, new front entrance, front access ramps and rear extension	APP	26.09.2007

Response to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of site notices. No response.

Highway Authority - There are no highway objections to the extension of time of the reserved matters.

Background

Outline planning permission for the demolition of the existing student accommodation and other University buildings and the comprehensive residential re-development of the site, with access road infrastructure, public open space, woodland planting and associated works was granted 6 Jan. 2016 following the completion of a Section 106 Planning Obligation (Ref:2014/1192).

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The outline permission was approved with all matters reserved but the development envisaged a development of approx. 300 homes and the accompanying Indicative Development Framework Plan illustrated the design principles for the site, the access road infrastructure, retained woodland areas with an integrated network of pedestrian linkages and areas of public open space. The outline permission has therefore established the principles of the development. The Section 106 Planning Obligation requires:

- o Education - a single payment of £650,000 is to be made to fund a 2 class extension to Hendrefoilan Primary School. The payment will be made before the occupation of the 51st home on the site.
- o Affordable housing - 10% of the homes on site will be affordable (according to prevailing definitions). These will comprise a mix of 2 and 3 bed homes and will be offered to the nominated RSL/Council at 70% of Open Market Value or ACG (whichever is lower). Phasing to be agreed but the working proposition is that 70% of the affordable homes will be delivered by the time 50% of the market housing is complete, and all of the affordable will be provided before 70% of the market housing is complete.
- o Transport - A sum of £20,000 is to be paid before the occupation of the 51st dwelling towards improvements to the traffic lights at the Gower Road/Wimmerfield Road junction.

Reserved matters approval for the first phase (Phase 1A) of the development involving the construction of 43 no. two / three storey dwellings and associated access, infrastructure and engineering works was granted 15 June, 2016 and have recently been completed (Ref:2016/0177).

The second Reserved matters approval for Phases 2 / 3 (as per the Development Sequence Framework) was for the further demolition of the student accommodation / buildings and the construction of 113 two and three storey dwellings and associated access road infrastructure and engineering works has been granted (ref: 2017/108/RES) but development of the houses has yet to proceed, although further demolition of the former student residencies / and tree clearance has commenced. It has been indicated by the developer that Phase 2 of the development is likely to be re-planned and would therefore need to be the subject of a further reserved matters submission.

Current Section 73 Proposal

Section 92 of the Town and Country Planning (1990) states that in the case of a reserved matter, application for the approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission. This means that the time within which reserved matters applications for the site are required to be submitted ended on 6 January, 2019.

This current application is therefore submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to extend the timescale for the submission of reserved matters applications for a further 3 years to allow development on the remainder of the site to come forward both on a revised scheme for Phases 2 / 3 and Phases 4 / 5 to complete the development of the site.

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As a Section 73 application, the only matter which can be considered is the conditions to which the application relates and the permission itself is not a matter for consideration. The approval of a Section 73 effectively grants a new planning permission, however, the existing Section 106 Planning Obligations will remain enforceable against the new permission. Any proposed modifications of the existing Section 106 would need to be subject to a further application.

Local Development Plan

When the original outline planning permission was granted in 2016, Hendrefoilan Student Village was identified under Policy HC11 of the Unitary Development Plan for Higher Education Campus. However, Hendrefoilan Student Village has been deemed to be surplus to the requirements of Swansea University and this was obviously a commercial decision, and its use therefore for higher education campus development was no longer required. The site was considered to be a brownfield site within the urban area, and the redevelopment of the site was considered to be in accordance with the principle policy objectives contained within Planning Policy Wales with regard to a presumption in favour of sustainable development and the preference for the use of previously developed land over greenfield sites.

The site was also submitted as a Candidate site as part of the LDP proposing its reuse for housing and the redevelopment of the site for up to 300 units was also seen to make a significant contribution to the Council's housing land availability. The development was therefore considered an acceptable departure to the Development Plan.

The Local Development Plan has now been adopted (February 2019), and the Hendrefoilan site is now included under Policy PS3 - Sustainable Housing Strategy - as an existing housing commitment with an extant planning permission within the established settlements. The principle of the residential development of the site is therefore now firmly established under Development Plan Policy and there are no material planning policy considerations which suggest the need to take an alternative decision on this application.

Other Conditions

Since the outline permission was originally granted, the pre-commencement conditions have been discharged to allow the development of Phase 1 and as such the wording of the conditions needs to be updated to reflect the current situation and in particular with reference to the condition discharge application references.

In the case of Section 73 planning permissions it is important to ensure that the provisions of the existing Section 106 would remain following approval of a new planning permission. Here the existing provisions of the Section 106 will remain enforceable under this application as Clause 5 of the existing Section 106 Agreement refers to the Agreement not coming to an end in respect of any minor modifications and/or non-material amendments to the Planning Permission or Development or a planning permission granted by the Council pursuant to an application under Section 73 of the 1990 Act. Accordingly the obligations would remain in force at the development site.

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Conclusion

The approval of the Section 73 application would allow the further submission of applications for the approval of the reserved matters which would allow the site to be completed in accordance with the aspirations of the Swansea Local Development Plan (Adopted February 2019). Approval is therefore recommended subject to the conditions outlined below.

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.

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The proposed development shall be substantially implemented in accordance with the approved Design and Access Statement (7559 - Document Revision 9) and the Indicative Development Framework Plan (7559 SK100 C) which set out the vision, objectives, urban design principles and development strategy for the site. The Design and Access Statement establishes the general site layout and masterplan, accessibility and movement, scale, amount of development, building concept, infrastructure, environmental sustainability and structural landscaping principles of the proposed development.
Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and Guidance.
- 2 Approval of the details of the layout, scale, appearance and landscaping of and the means of access shall be submitted for approval by the Local Planning Authority and shall accord with the approved Design and Access Statement pursuant to condition 1. The development shall be undertaken in accordance with these approved details and the agreed programme of phasing as approved pursuant to condition 4 of this permission.
Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design and to ensure that the development is carried out in an orderly and satisfactory manner.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Any further application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

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- 4 The development shall be implemented in accordance with the programme of phasing approved under condition discharge application reference 2016/0526. The development shall be completed and brought into beneficial use in accordance with the details approved under Conditions 1 and 2, or required by the conditions of the permission and the approved phasing programme.
Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details and disposition of the external finishes for each phase of the development. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.
Reason: In the interests of visual amenity.
- 6 Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details of the levels for each phase of the built development indicating its relationship to the adjoining land and any changes to the site itself shall be submitted to and agreed by the Local Planning Authority in writing. The development shall be completed in accordance with the proposed details.
Reason: To enable the reserved matters application to be properly assessed to ensure that the work is carried out at suitable levels in relation to the adjoining land having regard to visual impact, drainage and gradient of access.
- 7 The development shall be implemented in accordance with the Estate Street Phasing and Completion Plan Drg. No. 8169-1001 rev A approved under condition discharge application reference 2018/1577/DOC and shall be completed in accordance with the approved details.
Reason: In the interests of the highway safety of the development
- 8 All internal roads shall be laid out and constructed to adopted standards (or an appropriate alternative) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
- 9 No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed internal roads within the development have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the internal roads are subject to a future management and maintenance agreement.
- 10 The development shall be implemented in accordance with the principles and measures set out in the Construction Method Statement approved under condition discharge application reference 2016/0526 and adhered to at all times (unless alternative measures are agreed in writing with the Local Planning Authority).
Reason: In order to minimise traffic impacts on the surrounding highway network.

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- 11 The development shall be occupied in accordance with a Travel Plan to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of sustainability and in order to reduce car borne travel.
- 12 The development shall be implemented in accordance with the principles and measures set out in the Construction Environmental Management Plan (CEMP) Method Statement approved under condition discharge application reference 2016/0526 and adhered to at all times (unless alternative measures are agreed in writing with the Local Planning Authority).
Reason: In order to prevent pollution of the environment, protect the residential amenities of the area and to secure the satisfactory development of the site.
- 13 The development shall be implemented in accordance with the principles and measures set out in the Construction Site Waste Management Plan (CSWMP) approved under condition discharge application reference 2016/0626 and adhered to at all times (unless alternative measures are agreed in writing with the Local Planning Authority).
Reason: To ensure the appropriate management and storage of waste generated on site to reduce the risk of pollution and to ensure sustainability principles are adopted during the development.
- 14 The development shall be implemented in accordance with the Drainage Strategy approved under condition discharge application reference 2018/1577/DOC and all dwellings shall be occupied in accordance with the approved details. Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.
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.
- 15 The development shall be implemented in accordance with the strategic site wide surface water drainage strategy as indicated within the submitted:
- o Drainage strategy (ref. P13/404, dated June 2014) prepared by Rodgers Leask including Addendum to the Drainage strategy Report Rev 1.4 dated 27 June 2016; and
 - o Hydraulic modelling report (ref. R/C161034/FRA001, dated October 2016) prepared by Hydrock approved under the condition discharge application reference 2017/1148/DOC. The approved drainage works shall be carried out in their entirety, fully in accordance with the approved details, prior to the occupation of any building or alternatively in accordance with phased drainage operations agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory and sustainable means of surface water drainage and ensure future maintenance of the chosen system.

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- 16 Any reserved matters application shall include a detailed surface water strategy pursuant to the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details for the strategic site wide surface water strategy. The strategy shall maximise the use of measures to control water at source as far as practicable. to limit the rate and quantity of runoff and improve the quality of any runoff before it leaves the site or joins any water body.

The strategy shall include details of all flow control systems and the design, location and capacity of all such SuDs features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/ responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings.

Reason: To ensure that a satisfactory and sustainable means of surface water drainage is available 'upfront' to serve the development's individual phases and prevent any increased risk of flooding to third parties.

- 17 Prior to the commencement of phase 4 of the development (as defined on drawing reference 8169-PL33A) a detailed flood risk mitigation scheme, including supporting calculations, in line with the principles laid out within Option 2 of the report entitled 'Flood Risk Assessment for Hendrefoilan Student Village, Version 1.1' shall be submitted and approved in writing with the Local Planning Authority.

Reason: To ensure the submission and agreement of a suitable scheme and protect future residents of the site from being placed at flood risk.

- 18 The development shall incorporate a Local Equipped Area of Play (LEAP) details of which shall be submitted to and agreed in writing by the Local Planning Authority. The provision of the LEAP shall be implemented in accordance with the agreed phasing of development.

Reason: To ensure that the development is provided with adequate play area to meet the needs of the future occupiers of the development in accordance with UDP Policy HC24.

- 19 The development shall be carried out in accordance with the Arboricultural Method Statement approved under condition discharge application reference 2016/0626 and all protection fencing, ground protection, and construction methods shall be retained intact for the duration of the development hereby approved, and shall only be removed, or altered with the written approval of the Local Planning Authority.

Reason: To ensure the protection of retained trees on the site whilst the development is being carried out.

- 20 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure the protection of the retained trees during construction works.

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- 21 The development shall be carried out in accordance with the bat mitigation measures set out in Section 4: Conclusions and Recommendations of the Addendum Bat Survey Report dated 29 / 30 September, 2015.
Reason: In order to minimise the potential disturbance of bats within the application site.
- 22 Notwithstanding the details indicated in the application, the development layout shall incorporate pedestrian connections along Duvant Road and into the adjacent Hendrefoilan site to the north-west of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved phasing programme.
Reason: In order to maximise the permeability of the site to allow future residents adequate accessibility to local facilities and in order to assess such details in the interests of pedestrian safety.
- 23 No development shall commence (unless otherwise agreed in writing by the local planning authority in relation to specific advanced works) until a management strategy for the maintenance of all areas of formal and informal open space including the woodland and the LEAP, not subject to adoption by the local authority, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of any management company proposed and its terms of reference and shall be carried out as approved.
Reason: To ensure that the landscaped and woodland areas and the LEAP are provided and managed.

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: [LDP Policies PS3, PS2 & H1].
-