



# City and County of Swansea

## Notice of Meeting

You are invited to attend a Meeting of the

## Planning Committee

**At:** Remotely via Microsoft Teams

**On:** Tuesday, 3 August 2021

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

**Membership:**

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

**Watch Online:** <https://bit.ly/3xZYd2l>

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### Agenda

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**Next Meeting:** Tuesday, 7 September 2021 at 2.00 pm

Huw Evans  
Head of Democratic Services  
Tuesday, 27 July 2021

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Contact: Democratic Services - 636923

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Friday, 2 July 2021 at 10.30 am

**Present:** Councillor P Lloyd (Chair) Presided

### **Councillor(s)**

C Anderson  
M H Jones  
D W W Thomas

### **Councillor(s)**

P M Black  
W Evans  
T M White

### **Councillor(s)**

P Downing  
M B Lewis  
L J Tyler-Lloyd

### **Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Ian Davies  
Sally-Ann Evans  
Chris Healey  
Lucy Kelly  
Steve Smith  
Jonathan Wills

Democratic Services Officer  
Principal Telematics Engineer  
Development Manager  
Lead Lawyer  
Area Team Leader  
Principal Planning Officer  
Placemaking and Heritage Lead  
Lead Lawyer

### **Apologies for Absence**

Councillor(s): R D Lewis and P B Smith

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## **10 Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

## **11 Items for Deferral/Withdrawal.**

None.

## **12 Determination of Planning Applications under the Town and Country Planning Act 1990.**

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

Amendments/updates to this schedule were reported and are indicated below by (#)  
(Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting)

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

#(Item 1) – Planning Application 2019/2905/RES - Reserved Matters application for the details of the access, appearance, layout, scale and landscaping pursuant to outline planning permission 2016/1478 granted 12th December 2019 (excluding the site of the school). Submission of details pursuant to Conditions 8 (Design & Access Statement), 9 (Intrusive Site Investigation for mine entries and shallow coal workings), 10 (Reports for the findings and treatment of the Intrusive Site Investigation for mine entries & shallow coal workings), 15 (Surface Water Strategy), 17 (tree protection), 18 (Arboriculture Impact Assessment), 19 (Tree protection fencing), 25 (Air Quality Assessment), 34 (vehicular restriction / bus gate), 47 (loading and unloading for the A1-A3/ D1 units) and 49 (cycle parking for the A1-A3/D1 units) of planning permission 2016/1478 granted 12th December 2019 at Land North of Garden Village, Swansea.

A detailed and comprehensive visual presentation was given.

Luke Grattarola (agent) addressed the committee.

Report updated as follows:

The description of development is amended as follows;  
“Reserved Matters application for the details of the access, appearance, layout, scale and landscaping for the construction of 705 residential dwellings, associated public open space, hierarchy of street networks, provision of local centre, habitat retention, SUDS attenuation areas and other associated works, pursuant to outline planning permission 2016/1478 granted 12th December 2019 (excluding the site of the school). Submission of details pursuant to Conditions 8 (Design & Access Statement), 9 (Intrusive Site Investigation for mine entries and shallow coal workings), 10 (Reports for the findings and treatment of the Intrusive Site Investigation for mine entries & shallow coal workings), 15 (Surface Water Strategy), 17 (tree protection), 18 (Arboriculture Impact Assessment), 19 (Tree protection fencing), 25 (Air Quality Assessment), 34 (vehicular restriction / bus gate), 47 (loading and unloading for the A1-A3/ D1 units) and 49 (cycle parking for the A1-A3/D1 units) of planning permission 2016/1478 granted 12th December 2019.”

#(Item 2) – Planning Application 2019/2906/RES - Reserved Matters application for the details of landscaping for the whole site (excluding the site of the school) and ecological migratory planting along the access road pursuant to outline planning permission 2016/1478 granted 12th December 2019. Submission of details pursuant to Conditions 40 (Ancient Woodland Mitigation Strategy), 41 (Dormouse Mitigation Strategy), 42 (Wildlife Protection Plan), 43 (Lemp) of planning permission 2016/1478 granted 12th December 2019 at Land North of Garden Village, Swansea.

A visual presentation was given.

The meeting ended at 11.48 am

**Chair**



City and County of Swansea

## Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 6 July 2021 at 2.00 pm

**Present:** Councillor P Lloyd (Chair) Presided

**Councillor(s)**

C Anderson  
M H Jones  
D W W Thomas

**Councillor(s)**

P M Black  
W Evans  
T M White

**Councillor(s)**

P Downing  
M B Lewis  
L J Tyler-Lloyd

**Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Ian Davies  
Sally-Ann Evans  
Andrew Ferguson  
Liam Jones  
Jonathan Wills

Democratic Services Officer  
Principal Telematics Engineer  
Development Manager  
Lead Lawyer  
Area Team Leader  
Area Team Leader  
Lead Lawyer

**Apologies for Absence**

Councillor(s): R D Lewis and P B Smith

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

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

Councillor P M Black – Planning Application 2021/0889/S73 (Item 1) – Personal & Prejudicial and left prior to discussion.

Councillors P Downing & P Lloyd – Planning Application 2021/0889/S73 (Item 1) – Personal.

**14 Minutes.**

**Resolved** that the Minutes of the Planning Committee held on 8 June 2021 be approved and signed as a correct record.

**15 Items for Deferral/Withdrawal.**

None.

**16 Commons Registration - Application for the Removal of Land From the Register of Common Land (Application No. 003/19) - Register Unit CL53, Mynydd Lliw Common.**

The Lead Lawyer on behalf of the Head of Planning and City Regeneration presented a report which outlined the application received from the Welsh Government to amend the Register of Common Land by removing an area of 50,862 square metres from Register Unit CL53, Mynydd Lliw Common.

The background details and history to the matter were outlined and detailed by Officers, in particular the land identified on the plan had ceased to be common land by virtue of a Compulsory Purchase Order relating to the building of the M4 motorway.

The list of bodies consulted regarding the application were outlined and detailed in the report.

**Resolved** that the application be accepted and the land identified on the plan outlined in the report be removed from Register Unit CL53 (Mynydd Lliw Common).

**17 Tree Preservation Order TPO 679 Land Adjacent to Rock House and Mill Farm, Waunarlyydd, Swansea (2021).**

The Head of Planning and City Regeneration presented a report which sought consideration of the confirmation, as a full order, of the provisional tree preservation order 679, land adjacent to Rock House and Mill Farm, Waunarlyydd, Swansea (2021).

The background details and history to the matter and the initial serving of the provisional order in January 2021 were outlined and detailed by Officers.

The objection received to the provisional order was outlined in the report.

Councillor W G Lewis (Local Member) addressed the committee and spoke in support of the application.

**Resolved** that the Tree Preservation Order on land adjacent to Rock House and Mill Farm, Waunarlyydd, Swansea (2021) be confirmed without modification.

**18 Tree Preservation Order TPO 680 Land at 52 Caswell Road, Caswell, Swansea (2021).**

The Head of Planning and City Regeneration presented a report which sought consideration of the confirmation, as a full order, of the provisional tree preservation order 680, land at 52 Caswell Road, Caswell, Swansea (2021).

The background details and history to the matter and the initial serving of the provisional order in January 2021 were outlined and detailed by Officers.

The objection and support received relating to the provisional order was outlined in the report.

Report updated as follows:

We are instructed to make further representations in relation to paragraph 3.7 of the Report.

We received an email from Emma North at Swansea Council on 28 April 2021 at 14:10pm notifying us that works must cease on Site. We immediately liaised with our client on this matter and our client then in turn told the contractor on Site that works must cease with immediate effect. We then informed Emma North via email on 28 April 2021 at 16:47pm that the works had ceased on Site.

(Applicants Solicitors)

**Resolved** that the Tree Preservation Order on land at 52 Caswell Road, Caswell, Swansea (2021) be confirmed with the omission of trees T2, T3, T4 and T5.

**19 Determination of Planning Applications under the Town and Country Planning Act 1990.**

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

Amendments/updates to this schedule were reported and are indicated below by (#)  
(Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting)

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

**#(Item 1) – Planning Application 2021/0889/S73 - Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73, 2019/0536/S73 and 2019/2523/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2019/2523/S73 granted 4th June 2020 to extend the trigger to construct the permanent Nantong Way access to 30th April 2022 at Land At Upper Bank, Pentrechwyth, Swansea**

A visual presentation was given.

Report updated as follows:

An error is noted on the front cover sheet of the application on Page 28 of the agenda. The site plan indicated is for the permanent access works subject of a separate permission. As the application before Members is a S73 application to vary the original 2006 application (as subsequently amended), there is no requirement to provide a site plan with the application. The plan indicated was submitted for information only and has been incorrectly used but this error has no bearing on the application itself. Actual site plan was clarified in the presentation at Planning Committee.

Application approved subject to the modification of the Highways requirements within the original S106 agreement via a Deed of Variation in respect of the timescales to provide the permanent access off Nantong and subject to the conditions outlined in the report.

**#(Item 2) – Planning Application 2021/0978/FUL - Change of use of ground floor from retail (Class A1) to a wine bar (Class A3) at 47 Gower Road, Sketty, Swansea**

A visual presentation was given.

Application approved subject to no further objections being received by 26<sup>th</sup> July 2021.

The meeting ended at 2.49 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: 3<sup>rd</sup> August 2021

<b>Bay Area</b> Team Leader: Liam Jones - 635735	<b>Area 1</b> Team Leader Andrew Ferguson - 633947	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Cockett Landore Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Llangyfelach Llansamlet Mawr Morrison Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Dunvant Fairwood Gorseinon 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	2021/0163/FUL	Land West Of Rhydypany Road, Morriston, Swansea <b>Construction of a Greener Grid Park comprising energy storage and grid balancing equipment, including change of use from agricultural grazing land, along with associated infrastructure, landscaping and access track</b>	Approve
2	2021/0961/S73	Felin Wen Farm , Rhydypany Road, Morriston, Swansea, SA6 6NX <b>Installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works (amendment to condition 2 of planning permission 2020/0257/FUL granted 11th August 2020) to allow for alterations to internal access track and transplanting of hedgerows</b>	Approve
3	2021/1727/S73	YGG Gwyr Comprehensive School, Talbot Green, Gowerton, Swansea, SA4 3DB <b>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) - Variation of Condition 2 (Plans Condition) of Planning Permission 2018/2691/RG3 granted 9 May 2019 to allow for increase in parapet heights of the building, change to footprint of building, revised bin store location and size, reduced width of access, revised layout of internal road and parking area, modification to sports pitch layout, change from sprinkler house building to fenced enclosure with tank and sprinkler pump house, alterations to number, size and position of windows and doors, change to design and appearance of external staircase, addition of extract housing to roof, downpipes to side and rear elevations, louvres above windows and bat/bird boxes. Variation to Condition 4 (materials condition) to allow for change to agreed materials and discharge of Condition 10 (boundary treatments).</b>	Approve

Item	App. No.	Site Location	Officer Rec.
4	2019/1715/OUT	Eastmoor, Clyne Common, Swansea, SA3 3JA <b>Residential development for up to 4 detached dwellings (outline)</b>	Approve
5	2021/1415/FUL	Ty Nant , 180 High Street, Swansea, SA1 1NL <b>Construction of building (demolition already agreed) up to 11 storeys comprising purpose-built managed student accommodation (Unique Use); associated amenity space; cycle and car parking; landscaping; and access from Powell Street</b>	Approve
6	2021/1038/FUL	41 Woodfield Street, Morriston, Swansea, SA6 8AG <b>Change of use from retail shop (Class A1) to a cafe/takeaway (Class A3)</b>	Approve
7	2021/1401/106	Former Pines Country Club, 692 Llangyfelach Road, Treboeth, Swansea, SA5 9EL <b>Modification of Section 106 agreement dated 5th March 2018 linked to 2017/2572/FUL dated 7th March 2018 and 2020/1443/106 dated 26th February 2021 to allow for 690 and 688 Llangyfelach Road to remain an individual residential units</b>	Refuse

Item 1

Application Number:

2021/0163/FUL

Ward:

Mawr - Area 1

Location:

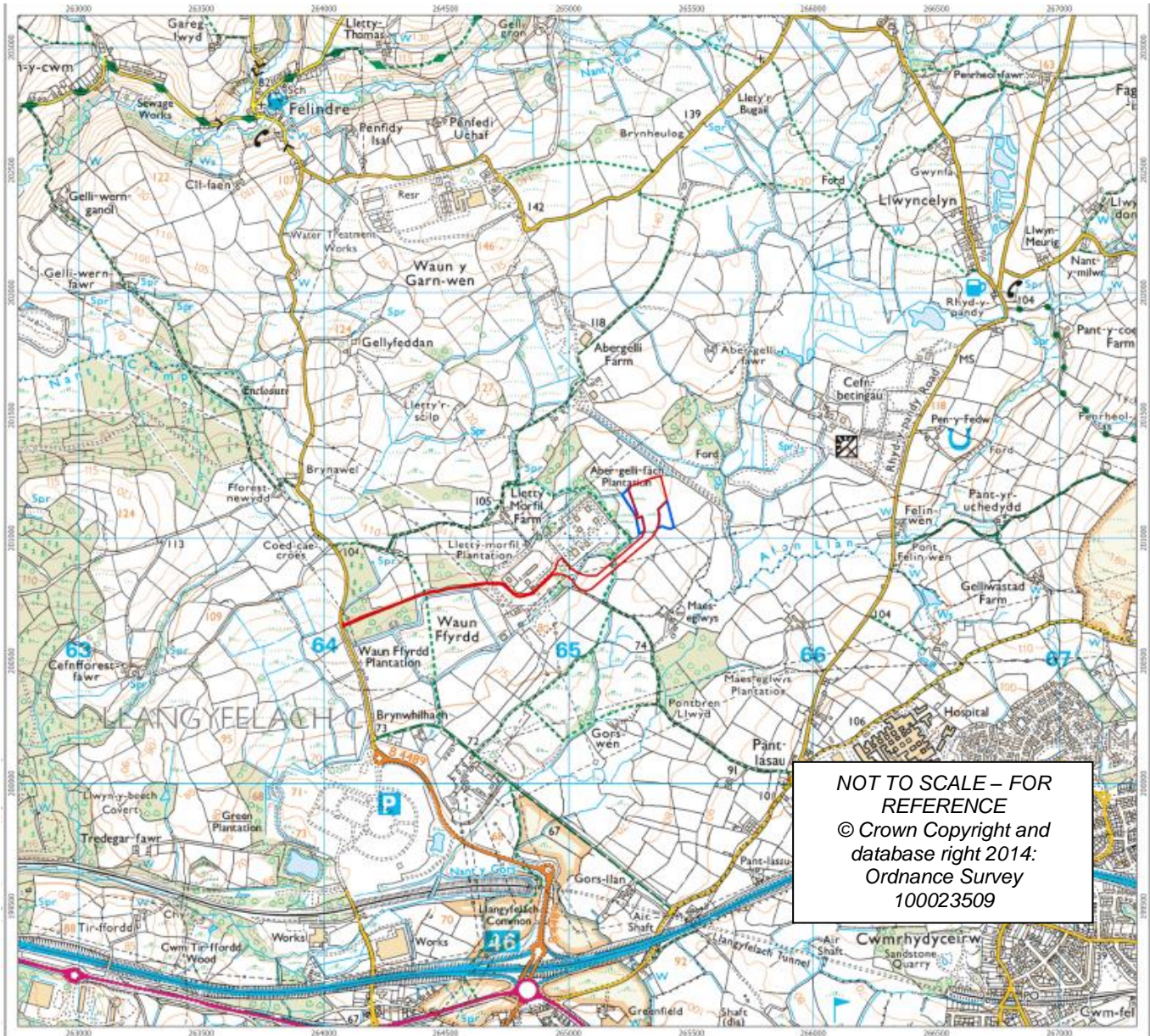
Land West Of Rhydypany Road , Morryston, Swansea

Proposal:

Construction of a Greener Grid Park comprising energy storage and grid balancing equipment, including change of use from agricultural grazing land, along with associated infrastructure, landscaping and access track

Applicant:

Mr Michael Fletcher Statkraft UK Ltd



**Planning Committee – 3<sup>rd</sup> August 2021**

**Item 1 (Cont'd)**

**Application Number:**

2021/0163/FUL

<b>Site History App Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2006/1222	National Grid Site, Off Heol Llangyfelach, Near Velindre, Swansea	Erection of gas compressor station comprising one 30 mw electrically driven gas compressor, two 15 mw gas driven compressors and associated housing buildings, a 20 metre vent stack, and ancillary buildings and pipework to connect the compressor station to the national gas transmission system.	Approve subj to S106	05/12/2006
2007/2733	National Grid Electricity Transmission Plc, 400KV Substation, Heol Llangyfelach, Felindre, Swansea, SA5 7LU	Construction of a new Swansea North 400KV Electricity Substation incorporating a gas insulated switchgear (GIS) building (95m long x 23m wide x 13.5m high) with separate super grid transformers (SGT), associated infrastructure works, sealing end compound and temporary lay down area and access road	Approve subj to S106	06/08/2008
2010/0539	National Grid 400KV Substation, Heol Llangyfelach, Felindre, Swansea, SA5 7LU	Construction of proposed amenity building (11.4m long x 7.4m wide x 4.75m high) in association with the new Swansea North 400KV Electricity Substation (amendment to planning permission 2008/1685 granted on 12th November 2008)	Approve	15/07/2010
2018/1289/DCO	Land At Abergelli Farm Felindre Swansea SA5 7NN	Gas fired power station	Approve	19/09/2019

## Planning Committee – 3<sup>rd</sup> August 2021

Item 1 (Cont'd)		Application Number:	2021/0163/FUL
2018/2020/FUL	Land At Abergelli Farm Felindre Swansea SA5 7NN	Installation of a gas connection in the form of a new above ground installation and underground gas pipeline to bring natural gas from the National Gas Transmission system to the Abergelli Power Station, including access, associated engineering operations and landscaping	Approve 06/12/2018
2018/2021/FUL	Land At Abergelli Farm Felindre Swansea SA5 7NN	Installation of an electrical connection in the form of a new 400kV underground cable to export power from the Abergelli Power Station to the National Grid Electricity Transmission System at the Swansea North Substation, including associated engineering operations and landscaping	Approve 06/12/2018

### Background

This application is being reported to Planning Committee as it exceeds the site area threshold of 2Ha.

There is no relevant planning history within the main portion of the site where the proposed energy storage facility would be located. To the east of the site, and including part of the access to the proposed development, a Development Consent Order (DCO) has been granted by the Secretary of State for Business, Energy and Industrial Strategy in 2019 for a gas fired generating station known as the Abergelli Power Project (APP). Separately, two planning permissions were granted (2018/2020/FUL and 2018/2021/FUL) for gas and electric connections to the APP. The latter would be partly within the site area for the proposed energy storage facility.

The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the site area exceeds 0.5Ha. A Screening Opinion was carried out in accordance with the above regulations in November 2019 (ref: 2019/2361/SCR). 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. It is not considered that circumstances have changed materially since the previous Screening Opinion notwithstanding the minor alterations to the site boundary.

Item 1 (Cont'd)

Application Number:

2021/0163/FUL

### Site Location

The application site has a total area of 3.96Ha and is located to the north east of the Felindre National Grid substation and gas compressor station. The main part of the site where the energy storage facility would be located is within an agricultural field that borders an agricultural access track associated with Abergelli Farm. The proposed access track to the development crosses further fields before linking up to the B4489 via the existing access road through the National grid substation.

### Description of Development

The proposal is for the construction of a "Greener Grid Park" comprising an energy storage and grid balancing facility, with associated infrastructure, landscaping and access track.

In short, the proposal is essentially for an electricity storage and distribution facility which is designed to balance electricity demand and supply in order to prevent shortages and blackouts as a result of the intermittent nature of renewable energy sources that feed into the national grid.

In addition to the formation of the new access track, an L-shaped compound is proposed enclosed by a 2.4m high weldmesh fence topped by 1m of electric fencing. Included within the compound would be the following elements:

- 12 x battery storage containers
- 6 x Inverters
- 2x transformers
- Energy management system building
- Control room cabin
- Welfare facilities building
- Coolers
- Fire wall
- LV switchhouse
- Emergency diesel generator

### Planning Policy

#### The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green Infrastructure

Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

## Planning Policy Wales (11th Edition) 2021

### Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

### Environmental Sustainability

3.7 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, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

### Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.



**Item 1 (Cont'd)**

**Application Number:**

2021/0163/FUL

3.30 In 2019 the Welsh Government declared a climate emergency in order to coordinate action nationally and locally to help combat the threats of climate change. The planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

3.31 The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and carbon budgets. The budgets set a limit on the total amount of greenhouse gas emissions in Wales over a 5-year period to serve as stepping stones and ensure progress is made towards the decadal targets.

3.32 In May 2019 the Climate Change Committee published its recommendation for the UK to set a net zero target for 2050. It recommended Wales set a 95% target as our fair contribution to the UK effort. The Welsh Government accepted this recommendation, but is seeking to go beyond 95% to reach net zero.

3.33 Climate change is a global challenge, with impacts felt at the local level presenting a significant risk to people, property, infrastructure and natural resources. We need to plan for these impacts, reducing the vulnerability of our natural resources and build an environment which can adapt to climate change. The planning system plays a significant role in managing this risk. Development allowed today will be around for decades to come. The most important decision the planning system makes is to ensure the right developments are built in the right places.

#### The Best and Most Versatile Agricultural Land

3.58 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)<sup>15</sup> is the best and most versatile, and should be conserved as a finite resource for the future.

3.59 When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

#### Supporting Infrastructure

3.61 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.

Item 1 (Cont'd)

Application Number:

2021/0163/FUL

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.

3.62 Planning authorities should, in conjunction with key providers, take a strategic and long term approach towards the provision of infrastructure as part of plan making. This may involve collaboration between planning authorities and key infrastructure providers to ensure infrastructure provision is sustainable, fit for purpose and can be co-ordinated and timed to support placemaking aspirations.

3.63 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.

## Energy

5.7.1 The Welsh Government's highest priority is to reduce demand wherever possible and affordable. Low carbon electricity must become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power. The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen.

5.7.2 Overall power demand is expected to increase as a result of growing electrification of transport and heat. In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales.

5.7.3 These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

5.7.4 Future Wales - The National Plan 2040 sets out the national development plan context for energy and provides specific policies for heat network and renewable energy development.

5.7.5 These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

Item 1 (Cont'd)

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5.7.6 The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.

5.7.7 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:

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as district heating networks;
- minimise the carbon impact of other energy generation; and
- move away from the extraction of energy minerals, the burning of which is carbon intensive.

#### Electricity Grid Network and Energy Storage

5.7.8 An effective electricity grid network is required to fulfil the Welsh Government's renewable and low carbon ambitions. An integrated approach should be adopted towards planning for energy developments and additional electricity grid network infrastructure. In certain circumstances, additional electricity grid network infrastructure will be needed to support the Pre-Assessed Areas in Future Wales, but also new energy generating developments more generally.

5.7.9 The Welsh Government's preferred position on new power lines is that, where possible, they should be laid underground. However, it is recognised that a balanced view must be taken against costs which could render otherwise acceptable projects unviable. Where undergrounding of lines is not possible or applicable, proactive engagement with energy companies and the public to mitigate the visual impact of any potential new transmission lines should take place.

5.7.10 Planning authorities should plan positively for grid infrastructure. Development plans should facilitate the grid infrastructure required to support the renewable and low carbon energy potential for the area, particularly areas identified for such development. Planning authorities should support appropriate grid developments, whether or not the developments to be connected are located within their authority.

5.7.11 Planning authorities and the energy industry, including National Grid and Distribution System Operators, should engage with each other to ensure development plans take grid infrastructure issues into account.

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This can also ensure investment plans for transmission and distribution align with the identified potential for renewable and low carbon energy as well as the future challenges of increasing electrification of transport and heat.

5.7.12 Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.

### Renewable Energy Targets

5.7.14 The Welsh Government has set targets for the generation of renewable energy:

- for Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- for new renewable energy projects to have at least an element of local ownership by 2020.

5.7.15 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.

### 5.9 Renewable and Low Carbon Energy

5.9.1 Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. 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. Planning authorities should seek to maximise the potential of renewable energy by linking the development plan with other local authority strategies, including Local Well-being plans and Economic/ Regeneration strategies.

#### Development Management and Renewable and Low Carbon Energy

5.9.19 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.

5.9.20 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:

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- 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.

5.9.21 Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.

5.9.22 Whatever the size of a scheme, developers should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed.

#### Re-powering, Life Extension, Decommissioning and Remediation

5.9.30 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. Planning authorities should consider including appropriate conditions for the decommissioning of energy generating developments and site restoration when they reach the end of their design life, taking into account any proposed afteruse of the site. In addition, operators should ensure that sufficient finance is set aside to enable them to meet restoration obligations. An authority may require financial guarantees by way of a Section 106 planning obligation/ agreement, as part of the approval of planning permission to ensure that restoration will be fully achieved.

#### Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes.

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There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

### 6.3 Landscape

6.3.1 Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. Landscape policy is guided by the European Landscape Convention.

6.3.2 The landscapes of Wales are rich and varied. Many Welsh landscapes are iconic, and a quarter of the land area of Wales is designated as either a National Park or Area of National Outstanding Beauty (AONB). The character and special qualities of all our places and landscapes, both urban and rural, can provide a strong sense of place, inspiration and belonging, and contribute to the distinctive cultural identity of Wales.

6.3.3 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:

- ensuring Wales contributes to meeting international responsibilities and obligations for landscapes;
- ensuring statutorily designated sites are properly protected and managed;
- ensuring that the value of all landscapes for their distinctive character and special qualities is protected; and
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.

6.3.4 Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission

### Biodiversity and Ecological Networks

6.4.1 Biodiversity underpins the structure and functioning of ecosystems. It is the diversity of living organisms whether at the genetic, species or ecosystem level. An ecosystem is made up of living organisms, plants, animals and micro-organisms, in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them.

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6.4.2 The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

6.4.3 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. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

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- diversity between and within ecosystems;
- the connections between and within ecosystems;
- the scale of ecosystems;
- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

#### Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

#### Maintaining and Enhancing Biodiversity

6.4.21 Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.



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1. The first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites that would result in less harm, no harm or gain have been fully considered

2. Planning authorities should ensure that features and elements of biodiversity or green infrastructure value are retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. The provision of up to date ecological survey information will assist in this process. Where necessary, planning authorities should seek to modify the development proposal through discussion with the applicant at the earliest possible stage. Biodiversity and green infrastructure modifications should draw on the issues and opportunities identified through the Green Infrastructure Assessment.

3. In some circumstances, it will be appropriate to attach planning conditions, obligations or advisory notes to a permission, to secure biodiversity outcomes. Planning authorities should take care to ensure that any conditions necessary to implement this policy are, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

4. When all other options have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure biodiversity outcomes, offsite compensation for unavoidable damage must be sought:

a. This should normally take the form of habitat creation, or the provision of long-term management arrangements to enhance existing habitats and deliver a net benefit for biodiversity. It should also be informed by a full ecological assessment before habitat creation or restoration starts.

b. The Green Infrastructure Assessment should be used to identify suitable locations for securing offsite compensation. Where possible, a landscape-scale approach, focusing on promoting wider ecosystem resilience, should help guide locations for compensation. This exercise will determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale.

c. Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range. This approach might also identify locations for providing species-specific compensation further away from the site. Where they exist, Spatial Species Action Plans should be used to help identify suitable locations.

d. Any proposed compensation should take account of the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty), and the five key ecosystem resilience attributes that it outlines. It should also be accompanied by a long term management plan of agreed and appropriate mitigation and compensation measures.

5. Finally, where the adverse effect on the environment clearly outweighs other material considerations, the development should be refused.

### Protected Species

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

### Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.

**Sustainable Drainage Systems (SuDS) and Development**

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

**Air Quality and Soundscape**

6.7.3 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

6.7.4 The planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, it should consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so.

6.7.5 In taking forward these broad objectives the key planning policy principle is to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments. Air Quality and soundscape influence choice of location and distribution of development and it will be important to consider the relationship of proposed development to existing development and its surrounding area and its potential to exacerbate or create poor air quality or inappropriate soundscapes. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable.

6.7.6 In proposing new development, planning authorities and developers must, therefore:

- address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors.
- not create areas of poor air quality or inappropriate soundscape; and
- seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

6.7.7 To assist decision making it will be important that the most appropriate level of information is provided and it may be necessary for a technical air quality and noise assessment to be undertaken by a suitably qualified and competent person on behalf of the developer.

#### Understanding and Identifying the Sources of Airborne (Air and Noise) Pollution

6.7.11 Air and noise pollution are often, but not exclusively, emitted from the same sources, notably road transport, commercial and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another, depending on the characteristics of the place in question, including the way in which people use and occupy places and the way in which traffic is managed in the wider area. Where air and noise pollution are generated from the same source they should be considered and addressed together and links should be made with active travel and other strategies for reducing vehicular use so as to reduce or minimise, pollution and to ensure an appropriate soundscape.

6.7.13 When developing strategies, proposing or assessing development proposals it will be essential to understand the implications of the transport demand associated with the proposal and the effect this may have now and in the foreseeable future. When proposing to introduce a development activity into an area the impacts which existing pollution sources (including roads, railways and industrial or commercial operations) have in terms of air and noise pollution should be carefully considered, particularly taking into account any increases in pollution levels which may be reasonably expected in the foreseeable future as a result of increased transport activity.

6.7.14 Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur.

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In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission.

Location of Commercial, Industrial and other Potentially Polluting Development

6.7.15 For the purposes of this section, potentially polluting development includes commercial, industrial, energy and agricultural or transport infrastructure. Such development should be located in areas where there is low potential for public exposure, or where its impact can be minimised. Novel or new development types may potentially cause pollution and should be carefully considered, and where appropriate, decisions should be based on the precautionary principle.

6.7.16 Relevant considerations in making planning decisions for potentially polluting development are likely to include:

- location, including the reasons for selecting the chosen site itself;
- impact on health and amenity;
- effect of pollution on the natural and built environment and the enjoyment of areas of landscape and historic and cultural value;
- impact on groundwater and surface water quality;
- effect on biodiversity and ecosystem resilience, including where there may be cumulative impacts on air or water quality which may have adverse consequences for biodiversity and ecosystem resilience;
- the risk and impact of potential pollution from the development, insofar as this might lead to the creation of, or worsen the situation in, an air quality management area, a noise action planning priority area or an area where there are sensitive receptors; and
- impact on the road and other transport networks, and in particular on traffic generation, particularly where the proposed development is not transport infrastructure itself.

6.7.17 The location of potentially polluting development adjacent to sensitive receptors will be unacceptable where health and amenity impacts cannot be minimised through appropriate design and mitigation measures. It is the overall expectation that levels of pollution should be reduced as far as possible and for this reason the location of potentially polluting development should be taken into account as part of overall strategies in development plans to ensure it can be appropriately located and maximum environmental benefits can be gained through measures such as green infrastructure.

6.7.18 Early consideration is required to ascertain whether the location and design of proposed development is acceptable where air pollution or noise generating development is likely to affect a protected species, or is proposed in an area likely to affect a statutorily designated site (such as Natura 2000 sites or SSSIs) or a tranquil urban green space (including but not limited to formally designated 'quiet areas') valued for the restorative respite and contact with nature that they offer to residents of busy towns and cities.

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Managing Potential Environmental Risk Arising through Construction Phases

6.7.26 Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.

Lighting

6.8.4 Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution.

### **Technical Advice Notes (TANs)**

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 10: Tree Preservation Orders (1990)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

### **Adopted Swansea Local Development Plan (2010-2025)**

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

CV 2 Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

IO 1 Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

HC 2 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.

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ER 2 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.

ER 5 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.

ER 6 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.

ER 8 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.

ER 9 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.

ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

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T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 5 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.

T 6 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.

T 7 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.

EU 1 Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria

EU 2 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. Larger schemes, as specified in the policy, 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.

RP 1 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.

RP 2 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.



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Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 3 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.

RP 4 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.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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.

**Supplementary Planning Guidance (SPG):**

- The Protection of Trees on Development Sites (adopted 2016)
- City and County of Swansea Parking Standards (adopted 2012)
- Biodiversity and Development (adopted 2021)
- Planning Obligations (2010)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents, where relevant, are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of the SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: they are fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

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**Consultations:**

The application was advertised in the local press; by site notices; and by neighbour letters. The application has been advertised in accordance with the statutory requirements set out within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

**Llangyfelach Community Council:**

"Llangyfelach Community Council considered this application at its Council Meeting on 10 June 2021 and offers no objections."

**Mawr Community Council:**

No response received to date.

**Local Highway Authority:**

"The additional information provided by the applicant has been considered in conjunction with comments previously supplied. Initial comments were concerned with the interface between the already consented DCO held by Abergelli Power Ltd and this development, particularly as APL possess CPO powers. Although it is accepted that land ownership matters are not a consideration when determining the acceptability of a scheme in planning terms.

The proposals to share the access route (should construction periods overlap) is accepted but will require close coordination to prevent any dangerous situation arising on the public highway. APL are required to produce a CTMP as part of discharging the DCO conditions, and given that no other Highway Agreements would be required to access the site over and above permission from the landowners a condition will be required requiring the applicant to produce a Construction Management Plan to a similar level of detail, containing all elements of interface between contractors, which must be approved in writing by the LPA prior to commencement of any works on site.

This shall contain as a minimum:

- Routeing of demolition, excavation and construction vehicles.
- Access arrangements to the site inclusive, of the management of pedestrians and other road users as to cause minimal disruption to the highway network.
- Estimated number of vehicles per day/week inclusive of swept path analysis.
- Details of the vehicle holding area.
- Details of the vehicle call up procedure
- Estimates for the number and type of parking suspensions that will be required.
- Details of any diversion, disruption or other abnormal use of the public highway during demolition, excavation and construction works.
- Strategy for coordinating the connection / diversion of services on site with any programmed work to utilities upon adjacent land / highway.
- Work programme and/or timescale for each phase of the demolition, excavation and construction works.

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- Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.
- Proposed Chapter 8 proposals and durations.
- Quality (to scale) engineering drawings overlaid on the adopted highway network.
- Copy of Public Liability Insurance.
- Key personnel contact details and site organisation.
- Pre-commencement highway condition survey and annotated plan.
- Construction, specification, plans and details.
- Diversion of Statutory Undertaker apparatus inclusive of Street Lighting etc.
- Swept Path Analysis.
- Pre-commencement highway condition survey and annotated plan.

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

Subject to the above Highways has no objection to the proposals".

**Tree Officer:**

"No objection.

The trees removed are low quality, however the loss of these should be mitigated by planting new trees".

**Pollution Control:**

No response received to date.

**Ecology:**

Summary of response:

Conditions recommended in order to address matters relating to:

- protection of the watercourse
- pre-construction checks
- dormouse protection/mitigation
- hedgehog
- timing of works
- reptile mitigation
- planting/landscaping
- lighting strategy
- scheme for ecological enhancements
- Construction Environment Management Plan (CEMP)

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**Rights of Way:**

"Public rights of way that will be affected by the development include;

LC34 - the prow crosses the access road.

LC117 - the access cuts across the prow. The new build would also be able to be seen from this footpath.

I'd like to see what is planned at each of the crossing points where the prow are located. I had a look but couldn't seem to find information on how they plan to manage this safely. Also looking at their gant chart it appears that there will be disturbance and a massive increase in vehicles for at least 30 weeks, (most likely longer).

Our team has started to speak to landowners in the area about diverting and upgrading footpath LC34. We wish this to run parallel to the road as opposed to running where it currently does (see blue line on map). We believe this would be in the best interests of all concerned, (users and landowners). We are also aware that there will be large scale residential development in the area in the coming years and wish to make the walking routes as accessible as possible. Ideally we are looking for written agreement from the landowner to allow us to move the path to this area. I'd appreciate you asking them about this.

Also we may look to ask for section 106 monies to complete footpath improvement works on LC117".

**Landscaping:**

No response received to date.

**Drainage:**

Original comments:

"The development appears to be close to a stream/ditch, sufficient space should be allowed for maintenance, the normal requirement is 7 metres measures from bank top. We require clarification on how close the pond and engineered embankments will be.

Schedule 3, Flood and Water Management Act 2010.

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given."

Final Comments:

"Can confirm this is fine" (buffer distances from the watercourse to the development).

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**Dwr Cymru Welsh Water:**

"...Notwithstanding the opportunity to comment at pre-application consultation stage, we are aware of the development site proposals having been a statutory consultee as part of the original Development Consent Order (DCO) for 'Abergelli Power Gas Fired Generating Station' (2019 No. 1268) which appears to correspond to the development site boundary for this latest planning application for the "Greener Grid Park" (Ref: 2021/0163/FUL). For the purposes of this application, we would remind that the DCO for Abergelli Power is subject to protective provisions (Schedule 11(a) Part 5) in reference to the "clearance area" of various public sewers and watermains, including the 66" trunk main measured 25 metres either side of the centreline, as well as requirement 2.(6) which refers to details of the structure crossing the watermain:

2. (6) No part of numbered work 2 which is within 25 metres either side of the centre line of the 66 inch water main may commence until details of the structure for crossing the water main have been submitted to and approved in writing by the relevant planning authority in consultation with Dwr Cymru Cyfyngedig.

Having had an opportunity to review this latest planning application (Ref: 2021/0163/FUL) for the "Greener Grid Park", we acknowledge that the development site boundary is sited at a distance sufficiently set back from the 66" trunk main. However, we acknowledge that the development will be accessed via a new access road as per the 'Proposed Site Layout' (Drawing No. 3421-DR-P-0001B) which is crossed by 4" and 225mm trunk watermain, with their approximate positions being marked on the attached Statutory Public Watermains Record. Accordingly, it may be necessary for the developer to enter into an asset protection agreement in relation to these crossings and we would recommend the contact us to discuss further.

Notwithstanding the above, if you are minded to grant Planning Consent for the above development, we would request that the following Conditions 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:

**Conditions**

No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic watermains crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works. Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

Prior to the commencement of development, full details of a scheme for the structural protection of the water main to include the precise location of the water main in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Any physical protection measures shall be implemented in accordance with the approved details prior to the commencement of development. All temporary physical protection measures shall be retained thereafter for the duration of the construction works and any permanent physical protection measures shall be retained for the lifetime of the development.

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Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety..."

**Glamorgan Gwent Archaeological Trust:**

"...We have consulted the regional Historic Environment Record (HER) and note the proposal is located in an area of archaeological potential, with both known prehistoric and Post-medieval sites in the vicinity. These include a probable Iron Age enclosure to the northwest, several traditional farmsteads such as Abergelli Farm and Lletty Morfil Farm, as well as Industrial features such as Bryn Whilach Colliery and associated mineral railway. As such there is the possibility of encountering archaeological remains during the course of the proposal.

Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. This is consistent with previous recommendations regarding the compressor station (our ref. SWA0322), gas connection (our ref. SWA0994) and electrical connection (our ref. SWA0994), as well as the pre-planning enquiry and scoping request for the current application.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014..."

**Natural Resources Wales:**

"We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition:

No development including site clearance shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

Ecology Watercourse:

Within our response to the Pre-application consultation (PAC) (letter dated 22nd July 2020, our reference: CAS-117849-V3F1) we noted the presence of a stream running along the western boundary of the site, which runs into the Afon Llan, which eventually drains into Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar site, providing a potential hydrological link from the site to these protected sites.

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We welcome the confirmation of a 7m buffer between the development and the watercourse, to provide appropriate riparian protection in line with your Authority's Local Development Plan (LDP) policies, as shown on drawing 'Planning Drawing 003A Proposed Site Layout Main Compound' (Drawing No. 3421-DR-P-0001A, Revision 11 by Arcus).

We previously welcomed the intention to produce a Construction Environmental Management Plan (CEMP) prior to construction commencing to minimise any risk of impact arising from construction to the watercourse and wider environment. We therefore recommend the following is attached as a condition on any permission your Authority may grant.

**Condition:**

No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

**The CEMP should include:**

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of dust control measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

**Justification:**

A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment including the watercourse, during construction.

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#### Habitats Regulations Assessment

From the information provided, we consider that the proposals may affect the aforementioned protected sites due to the potential impact pathways to the features of the site from the hydrological link from the stream to the sites.

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

- Developer adheres to an appropriate Construction Environmental Management Plan (CEMP) detailing the pollution prevention measures in place to protect the watercourse and wider environment.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the protected sites, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the protected sites.

Please note that the site is not located within a phosphate sensitive SAC catchment.

#### Access Route

Our PAC response required information to be submitted upfront relating to the chosen access route to the site as 2 different options were originally proposed. We previously noted the intention to share part of the access road consented for the adjacent Abergelli Power development and it is our understanding that this road has not yet been constructed. We requested confirmation of agreement of use of this road to clarify the access route. Additionally, as previously explained, if the road could not be shared, then the access route to the site would remain unclear, with a possible alternative route required, which would then need additional survey work to be carried out for it.

We note that the chosen access route has now been confirmed, opting for option 2, which proposes a new separate road section cutting through an area of scrub and trees classed as ancient woodland, which then proposes to join onto the Abergelli Power route further along the route. We draw your attention to our comments made in the PAC response in relation to avoiding unnecessary destruction and fragmentation of habitat and in line with your Authority's LDP policy ER 11: Trees, Hedgerows and Development.

No formal confirmation has been provided that the Abergelli Power access route can be utilised for this application. We note your Highway Department's comments which share similar concerns on the lack of clarity on this matter. If use of the access route cannot be agreed and a new, alternative access route is proposed, then we advise that you consult your Authority's Ecologist to confirm if any further ecological survey work is required for the new route, to be able to consider any of its impacts on the environment. Following this, please reconsult us if our comments are required.



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### Protected Species

We have reviewed the 'Preliminary Ecological Appraisal' (PEA) by Arcus, dated January 2021 which we note largely remains unchanged from the PAC stage. We note however that section 4.4 Hazel Dormouse has been amended. The submission has ruled out the use of the site by Dormice due to habitat fragmentation and absence of records close to the site. The PEA states there is small area of habitat suitable for Dormice present within the footprint of the site and therefore a precautionary approach is proposed, with the development to be carried out under a non-licensed method statement. We advise that proceeding under a non-licensed method statement is a decision for the scheme's Ecologist and at the risk of the developer and we would only be able to comment on a method statement submitted as part of any European Protected Species licence application.

From the plans provided, the site will be lit by lighting placed on the 4 CCTV security columns. The PEA found no protected species using the site, however we note that there are offsite habitats that could support foraging and commuting species. Section 5.4 of the PEA has outlined some best practice lighting measures such as motion activated lighting, and minimising light spill and directing it away from boundaries and retained habitats such as scrub and adjacent woodland (as well as the new habitats proposed under the submitted 'Landscape and Biodiversity Mitigation Plan' (Drawing no. 3421-DR-LAN-101 by Arcus, Revision D dated 24/06/2020). We welcome these protection measures in order to retain dark corridors for commuting and foraging protected species. These measures along with any site enhancement proposals should be discussed and agreed with your Authority's Ecologist.

### Foul Drainage

Following our request of clarification on the proposed method of dealing with foul drainage at the site, the Applicant stated in their response email to your Authority dated 11th March 2021 that "Portaloo' type facilities will be used during the construction period and a welfare unit with a closed septic tank to be emptied by a contractor will be installed for use during the operational period. This would be for occasional maintenance and inspection visits. No infiltration or connection to the foul drainage network is proposed. The welfare unit is shown in purple in the layout plan."

We advise that if the proposed system during the site's operational phase is a sealed tank, then this would fall under a cesspool category, not a septic tank. Within the 'Approach to Groundwater Protection' guidance (issued by the Environment Agency in 2018 and adopted by Natural Resources Wales), Position Statement G6 states "Natural Resources Wales does not encourage the use of cesspools or cesspits, other than in exceptional circumstances. A cesspool or cesspit is a sealed unit that is used for the storage of untreated sewage. There must be no discharge to the environment. Poorly managed cesspools and cesspits present a considerable risk of causing pollution, which can be difficult to monitor and correct."

New developments proposing to use non mains drainage should follow the hierarchy within the Welsh Government Circular 008/2018 (July 2018). The Circular stresses the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having considered the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. The use of cesspools/cesspits is discouraged.

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We refer you to paragraphs 2.3-2.8 in the Circular, which set out the approach to be followed. In exceptional circumstances, where a cesspool/cesspit can be justified, the Circular advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6.

It is essential that any cesspit is installed correctly. Incorrectly maintained cesspools can cause pollution by contamination the ground, groundwater and, sometimes surface water. Any damage to the fabric of the cesspool, such as cracks or holes, is difficult to detect but needs to be rectified immediately in order to prevent pollution. The cesspit should meet the requirement of British Standard BS 6297. It should be fitted with a level warning device to indicate when the tank needs emptying."

**Health and Safety Executive:**

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Cadw:**

No response received to date.

**National Grid:**

No response received to date.

**Neighbour comments:**

No responses received to the public consultation.

**APPRAISAL**

**Supporting Documents:**

The application has been accompanied by the following supporting documents:

- Planning Design and Access Statement
- Green Infrastructure Statement and Biodiversity Metric Assessment
- Flood Consequences and Drainage Impact Assessment
- Pre-application Consultation Report
- Preliminary Ecological Appraisal
- Arboricultural Report
- Landscape and Visual Appraisal
- Noise Impact Assessment
- Transport Statement

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## Main Issues

The main issues to consider in the determination of this application relate to the principle of the proposed development in this location, the impacts upon visual amenity (including the wider landscape), residential amenity, highway safety, the environment 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 national development plan 'Future Wales: The National Plan 2040' strongly supports the principle of developing renewable and low carbon energy to meet future energy needs as set out within Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure. The Policy states that decision makers must give significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. Future Wales is therefore supportive of such proposals but notes that new strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. Future Wales also includes Policy 28 - National Growth Area - Swansea Bay, which highlights that this area will be the main focus for growth and investment.

National planning policy on renewable energy developments is set out in Planning Policy Wales, Edition 11 (PPW). PPW recognises the key role the planning system has in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors.

In relation to this current proposal PPW (5.7.2), recognises that the shift towards the electrification of transport and heat will result in increased demands for power. In order to ensure future demand can be met, PPW notes significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. PPW (5.7.7) notes the planning system should, amongst other things, optimise energy storage and recognises that energy storage has an important part to play in managing the transition to a low carbon economy. The increase in renewable energy will result in intermittent supply and PPW considers energy storage development, such as that proposed, can help balance supply and demand. Importantly PPW notes that proposals for new storage facilities should be supported wherever possible (5.7.12).

The national planning policies on renewables are reflected in the LDP's approach to the provision and consideration of renewable energy and associated developments. Under LDP Policy EU1 proposals for renewable and low carbon energy infrastructure are supported subject to the consideration of the application against the Policy criteria. Criterion i. relates to wind energy proposals and is not relevant to the consideration of this application.

It is important to note that the site is located within a solar Local Search Area (LSA) under criterion ii., which identifies land within the authority area that is potentially the least constrained for solar energy developments.

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There are a number of solar farms within a 2km radius of the application site and the proposed development would provide infrastructure that would support the shift to renewable energy in the region. Under criterion ii. proposals for non-solar renewable and low carbon energy development within LSAs must demonstrate that they would not prejudice the purpose of the LSA. In relation to this requirement the site would occupy over 3ha of land near the western boundary of the LSA. The total LSA area is approximately 522ha, as such the application site would occupy less than 1 percent of the overall LSA area. In light of the fact that the development is related to the renewable energy infrastructure, and having regard to the relatively small area that would be taken up by the development, it is considered that the development would not prejudice the development of further renewables in this area.

Criterion iii. a. & b. essentially relate to the consideration of visual amenity and general amenity impacts and will be considered further within the Landscape and Visual Impact and Residential Amenity sections within this report. In relation to iii. c., as the development would not exceed a height of 11m (the transformers are 10.8m in height), it is not considered the proposed development would adversely affect radar, aircraft operations or telecommunications. In relation to iii. d., which relates to the loss of carbon sinks, the application site does not lie within a peat area identified on the British Geological Survey Geoindex Map. The underlying soils are recorded as Glacial Till. Peat within the wider surrounding area is generally localised and would not be impacted by the development. Therefore, it is not considered the development would have an adverse effect on carbon sinks.

Criterion iv of Policy EU1 requires mitigation measures to be put in place and criterion v. requires compensatory benefits, where necessary. These matters will be considered further within the relevant sections of this report.

The development is designed to support the flexible operation of the National Grid and the decarbonisation of electricity supply. The development will import and export electricity, however, it will not generate any additional electricity nor have any on-site emissions of CO<sub>2</sub>, according to the developer. The proposal is essentially for an electricity storage and distribution facility which is designed to balance electricity demand and supply in order to prevent shortages and blackouts as a result of the intermittent nature of renewable energy sources, which, in the case of solar and wind energy, are dictated by weather conditions.

The site is located within the open countryside where there is a presumption against development except where it is for, inter alia, necessary infrastructure provision and enhancement of infrastructure networks (Policy CV 2, criterion vii.).

In relation to whether the development is necessary, PPW clearly highlights the need for power storage facilities and there is a presumption in favour of supporting such developments within PPW. The main question, therefore, in terms of the principle of the development, is whether the proposed development needs to be located in the countryside rather than within a nearby urban area.

The applicant has set out within their Planning Design and Access Statement the site selection process. At a higher level, National Grid has published information which indicates South Wales is an area with an unstable grid that would benefit from the stability service the proposed development would provide.

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This resulted in a site search within this area for a substation that could support the technology and the Swansea North substation has been identified as a location that would accommodate the proposed development. The close proximity of the proposed development in relation to the substation would reduce infrastructure connections and associated costs and disruption. The location has also been chosen having regard to separation distances from housing and to avoid any significant environmental constraints.

The requirement for the development to be located within close proximity to the substation is acknowledged and the developer has set out within their planning submission a persuasive argument which indicates that it is necessary for the development to be located in this area. The site comprises land that is indicated to be Grade 5 (very poor quality) of the Agricultural Land Classification system (ALC), while the proposed access track is predicted to be Grade 3b (moderate quality). PPW states that agricultural land of grades 1, 2 and 3a is the best and most versatile agricultural land and should be conserved as a finite resource for the future. Therefore, it is considered the development would not conflict with PPW in this respect.

In summary, the proposal would address an identified need for a power storage facility within the region. The provision of such facilities is recognised and supported within national planning policy. The development is considered to provide necessary infrastructure and the applicant has undertaken a considered site selection process. In principle therefore, it is considered that the development would not conflict with national planning policies nor would it conflict with the Policies within the LDP.

### **Landscape and Visual Impact**

The main portion of the application site where the storage facility would be located is currently an agricultural field located to the east of the National Grid substation and gas compressor station, and to the west of the access track associated with Abergelli Farm. The consented APP would be located some 80m to the north east of the proposed development. The access to the development would utilise the existing access to the National Grid substation before diverting south of the substation to follow and share the alignment of the proposed access track for the APP.

The site is generally open with a mix of boundary treatments including agricultural fencing, ditches, embankments and scattered trees. The wider landscape is predominantly low lying countryside with notable man made features including overhead power lines. Further afield the topography rises to the south towards the urban areas of Morriston and Llangyfelach. There is a public right of way (PROW) that passes to the west of the site that would be crossed by the proposed access track.

The storage facility would be located within a compound measuring some 100m x 109m enclosed by a 3.4m high weldmesh and electric fence. The site has a gentle slope as such minor cutting and embankment works of up to 1m in height would be required around the compound in order to create a level development platform. Internally within the compound a loop road is proposed that would provide access to the buildings and other infrastructure.

In broad terms the batteries, inverters and switchgear containers would be located on the eastern side of the site and would comprise of a series of large metal storage containers.

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On the western side one large building (20.7m x 36.7m x 10.0m to pitched roof) is proposed that would house the energy management system. Other external infrastructure includes an emergency generator, transformers and HV compound, coolers, LV switch house, control room, welfare facilities and a 10m high fire wall constructed and faced in reinforced concrete. A total of four security columns measuring 6m in height are proposed with lighting and CCTV. Most components of the development will be housed in steel container-style units, while the main building will be faced in a green pre-galvanised powder coated steel.

The proposed development will clearly have a utilitarian appearance derived from the sheer scale of the main building and the fire wall (both 10m in height), together with the metal finishes of the structures and the industrial appearance of the transformer units. However, the immediate context of the site includes the National Grid substation and gas compressor station with its associated overhead power lines and the consented APP to the north east.

In view of the scale of the development and its location within the countryside, the application has been accompanied by a Landscape and Visual Appraisal (LVA) which considers the impact of the development both alone and in combination with other developments including the APP.

The site is located within LANDMAP National Landscape Character Areas (NLCA) 37 (South Wales Valleys) and 38 (Swansea Bay). At a regional level the site falls within the 'Rhyd y Pandy' Visual and Sensory Aspect Area. The LVA considers there are some negative aspects of NCLA 37 and 38 which detract from the existing landscape quality within the vicinity of the site. These broadly include poor hedgerows, erosion of rural character through new infrastructure, visual detractors such as overhead power lines and predominantly pasture land with poor enclosures.

The LVA considers the site to be of medium landscape sensitivity due to the absence of formal landscape designations, degraded boundary features and landscape detractors such as the noise from the M4 and the man-made features in the local environment. The nearest landscape designation is the 'Mawr Uplands' Special Landscape Area (SLA) located some 1.7km to the east of the site. The LVA considers there may be some visibility from the SLA to the edge of the development, however, views would be limited by intervening vegetation. There are listed buildings and two scheduled ancient monuments within the 2km study area of the site, however, these sites are on the outer edge of the study area with limited or no intervisibility with the site.

A Zone of Theoretical Visibility (ZTV) exercise has been undertaken by the applicant which highlights the development may be visible from much of the surrounding area within a 500m radius and further away to the south and east. The ZTV exercise does not take into account a number of existing vertical features. To gain a more accurate impression of the visual impact the LVA assesses several representative viewpoints around the proposed site including views from Rhyd y Pandy Road and public footpaths LC117 and LC358. The viewpoints were chosen to represent the extents of visibility likely to affect sensitive receptors from publically accessible areas. Photomontages have also been produced from two viewpoints which indicate the development 5 years post construction. Two of the viewpoints are within 100m of the site and are taken from public footpaths

Viewpoint 1 is taken from Rhyd y Pandy Road and includes solar panels and trees in the foreground. The development would be highly screened from this viewpoint, but further south along the road, the development would be visible depending on the height of the hedgerow that boarder the western side of the road.

From this area the manmade infrastructure of the substation is visible, the consented APP would also be visible, when constructed, and notably includes an exhaust stack of between 35-45m. The dominant visual detractor from these views are considered to be the pylons and overhead cables.

Viewpoint 2 is taken immediately to the south of the proposed access road on footpath LC117 and highlights the effectiveness of the existing vegetation in screening parts of the existing substation from this viewpoint. This established vegetation screen, which wraps around the western edge of the substation, would also screen parts of the proposed development and the mitigation planting proposed would serve to reduce the cumulative visual impacts of the substation and the APP in this area. The access road would be visible in the foreground, but this already forms part of the consented APP and would be screened by a new hedgeline.

Viewpoint 3 is also taken from footpath LC117 immediately to the west of the substation. The view from this location would be filtered by existing vegetation, particularly during the spring and summer months when trees are in leaf. However, the scale of the proposed development including the 10m high wall and energy management building would result in a significant change to the existing view from this location, which currently sees green fields and the rising landform around Mynydd Gelliwastad in the distance.

Viewpoint 4 is taken from footpath LC358 approximately 1km to the north of the site and includes views of trees, hedgerows farmland and the Abergelli solar farm in the middle distance. The landform would generally screen the development from this view. Any residual view would be minimal and would be seen against the backdrop of the pylons and the rising landform to the south topped by the DVLA building.

In terms of visual impacts upon residential properties, those most affected would be properties along the western edge of Pantlasau, properties at Abergelli Farm, Cefn Betingau and Maes Eglwys, due to their proximity and potential for views of the development. These properties would also be affected during construction, but this would be for a temporary period of approximately 10 months.

The nearest residential properties at Maes Eglwys would be located over 300m to the south of the main compound. The other nearest properties at Abergelli Farm would be over 400m away. As such there would be no immediate or obvious significant change to the outlook from these properties. The development would be visible from these receptors and at these distances would likely be viewed as an extension to the existing substation. However, the proposed mitigation planting, together with the existing woodland and hedgerows would serve to mitigate any significant visual impacts upon these residential receptors.

In relation to the cumulative impacts, the combination of proposed development, together with the consented Abergelli Power development and the infrastructure associated with the existing substation, would increase the man-made influence on this landscape. The LVA considers this would be largely limited to the localised area and the existing vegetation coverage in the area in the form of hedges and woodland would serve to mitigate any significant cumulative impacts. The visual impact would be further mitigated by the proposed landscaping scheme for the site, which would see the introduction of native hedges and woodland around the development site.

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Taking into consideration the information presented within the LVA, and specifically having regard to the context of the site described above, which includes significant existing infrastructure as well as natural screening vegetation, while accepting that the site is currently open countryside and farmland, it is considered that the overall visual impact of the development would not be so significant as to recommend refusal of the application. The site is not located within a protected landscape area and is within a LSA for renewable solar development, as such this is not a highly sensitive landscape area and, amongst other things, the site selection process undertaken by the applicant has taken this into account. In accordance with Policy EU1, mitigation is proposed that, in time, would serve to ameliorate the visual impact of the development within the local landscape.

Overall, therefore, the landscape and visual impact of the proposal, including the cumulative impacts with other developments, are considered to be acceptable.

### **Residential Amenity**

As indicated above the proposed development would be sited a significant distance from existing residential properties such that the development would not result in any material overbearing, overshadowing or overlooking impacts upon nearby residential properties.

In terms of noise impacts the application has been accompanied by a Noise Impact Assessment which identifies that the primary sources of sound from the development would come from the energy management modules, associated cooling plant and transformers. Through pre-application discussions with the Council's Pollution Control division, a noise assessment has been carried out having regard to the potential for background noise levels to increase when the APP is operational. It was agreed that a set of numerical noise limits would be applied, applicable to the closest noise-sensitive receptors. As such, these limits would remain fixed regardless of any subsequent increase in the background noise, therefore offering a stronger level of protection against excessive environmental noise.

Background noise levels were undertaken at residential receptors as part of the APP proposals and this information has been used to assess the noise impact of the development, having regard to existing background levels. Modelling has been undertaken on the basis of all plant being operational simultaneously, and running at full power. The noise assessment notes this is a "worst-case" scenario and considers actual noise levels are likely to be lower in practice for much of the time.

The information within the noise assessment demonstrates that the predicted noise levels of the development would be compliant with the noise levels agreed with the Council's Pollution Control division for both the day time and night time periods. Therefore, provided the development operates within the limits specified within the noise assessment it is considered the proposed development would not result in any significant noise impact upon any nearby residential properties. While no comments have been received from the Pollution Control division in relation to this planning application, their comments made at the pre-application stage have been fully taken into account by the applicant. It is therefore recommended that a condition is imposed requiring that the rating level of noise from the development shall not exceed the specified levels at the nearest residential receptors.



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### Access and Highway Safety

The development would be accessed off the B4489 using the existing priority junction access to the National Grid substation and gas compressor facility before diverting south along a proposed new access track which would be shared with the consented APP, then diverting north to the proposed new compound area.

The application has been accompanied by a Transport Statement which assesses the impact of construction traffic and operational traffic. As the facility will generally be operated remotely and will not be manned it is anticipated that operational traffic will be minimal and is expected to be limited to approximately 1 vehicle visit per day. The LHA has not expressed any concerns with this element of the proposal as the effect of the operational traffic on the highway network would be minimal.

The levels of construction traffic have been set out within the Transport Statement. The construction period is anticipated to last for 43 weeks with the peak increase in HGV traffic resulting in approximately 58 HGV vehicle movements per day plus 80 additional car/van movements resulting from staff. Thus giving a total daily traffic count during the peak period of 138 vehicle movements per day.

The Transport Statement identifies the route to the site for construction vehicles as being the B4489 via junction 46 of the M4. Highways have confirmed the visibility at the National Grid substation access is acceptable. This route would not pass any housing along the B4489 and the Transport Statement considers this road would be suitable for the expected type and volume of traffic, including vehicles with abnormal loads.

A key consideration identified by the LHA relates to the potential interaction of the construction traffic for the proposed development and the consented APP as both construction projects would be accessed off the B4489 National Grid junction. The LHA considers the traffic from both sites combined have the potential to generate significant numbers of traffic movements.

The Transport Statement sets out an estimated peak traffic scenario for both developments as being 532 vehicle movements a day (138 Greener Grid Park; 394 APP). These figures clearly represent a worst case scenario should peak traffic periods for both developments coincide. In order to address the LHA's concerns the applicant has suggested the submission of a Construction Traffic Management Plan (CTMP) to be submitted and approved prior to the commencement of construction. The applicant has indicated that the CTMP would include specific timings for construction phases to ensure that peak construction periods for the respective developments would not overlap and would detail measure required to avoid conflict between peak construction periods.

It is noteworthy that the Development Consent Order for the APP includes the requirement for CTMPs to be produced for each of the numbered works set out within the Development Consent Order and this includes a requirement for proposals for the scheduling and timing of movements of delivery vehicles. To date no CTMPs have been submitted in relation to the APP.

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By requiring a detailed CTMP for the proposed development to specify the timings of vehicle movements it is considered the LPA, in consultation with the LHA, would have an effective mechanism to control and manage the levels of construction traffic associated with the developments such that no significant highway safety impacts would arise. The applicant has provided further comfort in this respect by stating that once the APP development CTMPs are available they would ensure that their construction timetable would not conflict. Moreover, the applicant has stated that it is not their intention to undertake construction at the same time as the APP as this would be impractical from their perspective. Finally, the applicant has acknowledged that the construction of the APP development would be given priority in the unlikely event that both developments request similar construction timetables and deliveries to the site.

The proposed development would include an access along the same alignment as the corridor for the access road to the APP. Abergelli Power have commented on the proposals for the energy management facility. Specifically in relation to the access road, Abergelli Power note that any extent of shared access road would need to be of sufficient specification to allow full use by both projects, through their construction, operation and decommissioning stages, and would need to have agreed access and security arrangements to ensure that both projects could be operated appropriately.

The applicant has provided information to indicate that early discussions have been held between the respective parties in relation to track construction and electrical cable routes.

The LHA requested further information in relation to the gradient of the proposed access track and this information was duly provided by the applicant. The applicant has confirmed the track would be surfaced in a crushed aggregate rather than a concrete or tarmac finish. The LHA has offered no objection to the width, geometry or gradient of the proposed track for the development and has not requested a condition requiring details of track construction. This would be a private access track and would not be an adopted road, as such the engineered design for the track construction is considered to be a matter to be resolved by the applicant in discussions with APP, where necessary. It is noteworthy that there is a requirement within the DCO for the APP requiring details of the design and layout of the access to the B4489 to be submitted and agreed by the LPA in consultation with the LHA.

The position, therefore, is that the proposed access track is considered to be acceptable in highway safety terms to serve the proposed energy storage facility. The applicant has reached out to Abergelli Power to discuss track construction to facilitate shared use of the track and the specific engineered construction of the track is considered to be a matter to be agreed by the respective parties, noting that the design and layout of the APP is, in any event, subject to the approval of the LPA. On this basis it is not considered necessary for a condition to be imposed requiring track construction details.

The existing access road to the National Grid substation is crossed by public right of way LC34. There are no changes proposed to this access road under the current proposals.

The proposed access track for this development and the APP would cross public footpath LC117. The Transport Statement indicates access to the public right of way will be maintained throughout the construction and operational phases of the development with appropriate signage and any other pedestrian management measures considered necessary to maintain safe access during the construction and operation phase.

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The Rights of Way team have requested further information in relation to how the public right of way would be managed, however, it is considered that the provision of this information can be secured via conditions. It is noteworthy that within the DCO for the APP that there is a similar requirement in relation to the public right of way.

LDP Policy EU1 states that where necessary, additional compensatory benefits will be sought in accordance with Policy IO 1 (Supporting Infrastructure and Planning Obligations). The Rights of Way team indicated that they may seek a Section 106 financial contribution in order to complete footpath improvement works on LC117, however, no subsequent request has been received. Notwithstanding this, it is considered the development would only directly impact upon part of footpath LC117 as such it is not considered necessary in this instance for a S106 financial contribution to be required having regard to the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations (2010). While S106 financial contributions were secured for footpath upgrades under the APP development this was considered necessary and justified in light of the overall scale and impact of the APP.

The Rights of Way team have also indicated their aspirations for public footpath LC34 to be moved to a location where it would be parallel with the B4489. This matter is not material to the considerations in relation to this application.

In light of the above, and subject to conditions, it is considered that the proposed development would not result in any significant impacts upon highway safety or pedestrian safety.

### **Ecology and Green Infrastructure**

In view of the scale of the development and its sensitive location in proximity to the Afon Llan, the application includes the submission of a Preliminary Ecological Appraisal (PEA) together with a Green Infrastructure Statement and Biodiversity Metric Assessment. This information has been reviewed by both NRW and the Council's Planning Ecologist.

The main body of the site containing the compound and the majority of the proposed access track would be sited on grassland agricultural fields, however, the access would pass through a small area categorised as ancient woodland adjacent to the substation, located below overhead power lines. There are also areas of dense scrub, scattered trees, several ditches and a stream.

The applicant has indicated that the area categorised as ancient woodland has previously been completely removed. The arboricultural report accompanying the application confirms that the tree groups that require partial removal to facilitate the access comprise of low value young to semi-mature natural vegetation. The Council's Tree officer has confirmed the trees to be removed are low quality and has offered no objection to their removal, subject to mitigation planting being provided. Similarly NRW have offered no objection to this element of the proposal but have drawn attention to the requirement to avoid unnecessary destruction and fragmentation of ancient woodland in line with LDP Policy ER11. In response to this comment it is clear that this area is already being heavily managed due to its location under the overhead lines, which has resulted in this area being cut back in the past. Moreover, the loss would be limited to the extent required to form the new access where it cuts across the tree line, as such the woodland corridor in this location would generally be maintained and the low traffic levels associated with the operation of the development would not create a barrier to wildlife passing through this corridor.

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On this basis it is considered the proposed development would not conflict with the aims of Policy ER11 which broadly seeks to retain trees of value.

In relation to protected species at the site, the PEA identifies that there is evidence of badger present within the survey site with a sett located some 30m from the development site. The PEA considers it is unlikely the construction works or the operation of the development would have an impact upon foraging or commuting badgers. The Planning Ecologist has recommended an informative note to address any residual risk relating to the potential presence of badger at the site.

While there are mature trees within the site area, none were considered suitable for roosting bats as such the Council's Planning Ecologist has recommended an informative note to remind the developer of their obligations in respect of this protected species, should any evidence of bats be found during construction.

Following survey work in 2014 and 2017, which returned negative results, Great Crested Newts were not considered to be a constraint to the proposed development and the PEA considers no further survey work is necessary. Neither NRW nor the Council's Planning ecologist have raised any concerns with this conclusion.

A population of common lizards was found at the site, as such reptiles have the potential to be negatively affected by the development in the absence of mitigation. A Reptile Report and Reptile Method Statement have been submitted which include mitigation measures. The Council's Planning Ecologist has reviewed these measures and considers they are appropriate to address the potential impacts on the local lizard population and includes measures to be undertaken to avoid killing and injuring reptiles during construction together with habitat enhancement measures. The mitigation and enhancement measures can be secured by a condition and an informative note.

The PEA notes the woodlands and treelines on the boundaries of the site provide suitable habitat for dormouse, however, only a small area of suitable habitat would be affected. Surveys of hazel dormice were undertaken for the Abergelli Power development and did not identify any on site. The nearest records of dormice are over 2km from the site beyond the M4 and the intervening habitat is fragmented. On this basis the PEA considers the species is unlikely to be present within the survey area, however, following a precautionary approach, the PEA includes mitigation and enhancement measures. A separate Hazel Dormouse Non-Licensed Method Statement has also been produced. NRW have not objected to applicant proceeding under a non-licensed method statement but have noted that such an approach is at the discretion of the schemes ecologist and the development would be undertaken at the developers own risk. NRW note that they would only be able to comment on a method statement submitted as part of any European Protected Species licence application. In the absence of an objection from NRW the approach to dormouse set out within the application is considered to be acceptable. The Council's planning ecologist has recommended a condition to secure the mitigation measures and enhancements and to ensure the method statement is adhered to.

The PEA notes that no signs of otter or water voles were found but previous surveys carried out for the APP in 2017 identified watercourses suitable for foraging with the closest being some 220m north east of the site.

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In view of these separation distances the applicant's ecologist considers any impacts would be unlikely, as such the provision of further surveys for these species has been scoped out. The Council's ecologist has recommended informative notes in relation to the potential presence of these species on the site during construction.

In relation to birds, breeding bird surveys were carried out in 2014 and 2017. The PEA reports no significant changes have taken place to habitats within the survey area since those surveys were carried out. Parts of the site, the grassland and in particular the less intensively grazed neutral grassland, provides opportunities for ground nesting birds and overwintering birds. It also provides opportunities for foraging raptors. The Council's ecologist has recommended an informative note in relation to nesting birds and a condition in relation to the timing of clearance works. However, a condition in relation to clearance work is not considered necessary provided satisfactory pre-commencement checks are undertaken by an ecologist. This can be dealt with by an informative note.

In addition to the informative notes and specific conditions in relation to individual species set out above, the Council's ecologist has also recommended a condition requiring pre-construction checks for these species. This requirement is not considered to be reasonable or necessary. The ecological surveys undertaken to date demonstrate that, with mitigation and enhancements, the proposal would not result in any detrimental ecological impacts. Clearly the baseline ecological conditions at the site may change between approval of the development, should planning permission be granted, and the commencement of construction works, however, it is incumbent on the developer to ensure the works would not conflict with the requirements of the relevant wildlife legislation. On this basis an informative note is recommended in relation to pre-construction checks.

In view of the location of the development within the countryside and the proximity to ecological corridors, a condition is considered necessary to secure the provision of an ecologically sensitive lighting scheme for the development during the construction and operational phases.

The site is located adjacent to the Llety Morfil SINC and a stream within the site along its western boundary connects to the Afon Llan which eventually drains to into the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar site. In view of the hydrological link there is a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2017. Regulation 63 of the Regulations requires the Local Authority, as the competent authority, to undertake a test of the likely significant effects of the proposal on the designated sites. The assessment has been undertaken and has concluded that the proposed development is a sufficient distance from the site to ensure there would be no significant effect.

NRW have advised that the development may affect the above designated sites due to the hydrological link, but they note that this may not result in an adverse effect if the developer adheres to an appropriate Construction Environmental Management Plan. It is therefore necessary for this requirement to be secured by a condition.

In relation to green infrastructure, the applicant maintains the development has been designed to minimise the loss of trees and hedges at the site. As indicated above only a small area of low quality trees and scrub would be lost to facilitate the new access.

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The trees and hedgerows to the north and west of the site would be retained together with all other broad leaved scattered trees within the site area.

The scheme proposes to enhance the green infrastructure and biodiversity of the site through several measures. Some of the neutral grassland on the western side of the compound would be enhanced post construction into grassland to be managed to increase species richness and Tussocky Grassland for Marsh Fritillary butterfly. The embankment works will also be planted with a Fescue/Bent mix with wildflowers. All other areas to the sides of the compound would be planted with native species woodland and shrub mix. An attenuation pond would be constructed with proposed drainage ditches/swales which would also contain wildflower grassland mix.

There are areas proposed for ecological enhancements which are outside the application site red line area, however, these areas of land are within the applicant's control and have been indicated as such by a blue line within the scheme drawings.

The applicant has submitted a Green Infrastructure Statement and Biodiversity Metric assessment which uses DEFRA's Biodiversity Metric 2.0 Calculation Tool Beta Test in order to quantify the biodiversity gain associated with the development. The Statement considers that the above enhancement measures would result in a 45% gain in habitat units for the on and off-site areas within the applicant's control. In this respect the development would accord with LDP Policy ER9 which states, amongst other things, that development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

The Council's Tree Officer and Planning Ecologist have offered no objections to the proposed landscaping strategy and biodiversity enhancements. However, following further discussions with the applicant, it will be necessary to provide a new native hedge along the length of the access track to provide screening and additional ecological enhancement. A condition is therefore recommended requiring the submission of a full landscaping scheme. Moreover, in view of the scale of the development, the requirement for mitigation planting and ecological mitigation and enhancement measures, it is considered necessary in this instance for a condition requiring a Landscape and Ecological Management Plan (LEMP) to be produced in order to ensure there is a comprehensive and long term management plan in place to mitigate the landscape and ecological impacts of the proposed development.

In light of the above, while the proposal would result in the loss of an area designated as ancient woodland, the affected area has already been cleared and is managed due to its location under overhead power lines. On this basis the proposal would not result in the loss of an area of ancient woodland of significant ecological or amenity value. Having regard to the enhancement proposals for the development it is considered that the proposed development would have the potential to enhance the green infrastructure and ecology of area. The development is therefore considered to be acceptable in terms of its impacts upon ecology and green infrastructure.

### **Drainage**

As the proposed development will change the surface water drainage regime at the site the Council's drainage officer has advised that the proposals will require separate SuDS Approval Body (SAB) consent.

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The application has been accompanied by a Flood Consequences and Drainage Impact Assessment. Reference to TAN 15 Development and Flood Risk Development Advice Map shows that all the proposed new infrastructure at the Site is located in Flood Zone A, which is categorised as being the lowest flood risk and comprises land assessed as having a less than 1:1,000 (0.1 %) annual probability of river or sea flooding in any year.

The electrically sensitive nature of the development will require the drainage system not to flood in order to prevent any damage to the on-site infrastructure. The proposed surface water drainage scheme will comprise of 3 swales to the north, west and south of the compound, which will discharge into an attenuation pond on the south western corner. This pond will then attenuate flows before discharging to the adjacent watercourse.

Following concerns from the Council's drainage officer in relation to the proximity of the development to the adjacent watercourse, confirmation has been provided that the attenuation pond would be approximately 6.5m from the watercourse at its nearest point. The drainage officer has confirmed this buffer is acceptable and the details of the surface water drainage scheme will be considered further under the SAB consent regime. In principle, however, it is not considered the surface water drainage proposals would conflict with LDP Policies RP4 and RP5.

DCWW were not initially consulted at the statutory pre-application consultation stage, but were later formally consulted by the applicant during the course of considering the application. Following receipt of DCWW comments the pre-application consultation report has been amended.

DCWW have noted there is a 66 inch trunk main in proximity to the site, but have confirmed the development is sufficiently set back from this asset. The proposed new access will, however, cross a 4 inch watermain and 225mm trunk watermain. DCWW have highlighted that it may be necessary for the developer to enter into an asset protection agreement in relation to these crossings and have requested conditions in relation to the protection of the watermains during construction. These conditions are considered to be necessary to ensure measures are in place to protect the public water supply system.

In relation to foul water, the development is not proposed to be manned and the applicant is not proposing a foul water drainage connection. A welfare unit is proposed with a sealed cesspit that would be emptied by a contractor on a periodic basis. NRW have advised that it does not encourage the use of cesspools or cesspits, other than in exceptional circumstances, due to the risk of causing pollution. In line with NRW's advice the LPA has given further consideration to the use of the proposed non-mains foul disposal method having regard to the advice and guidance contained within Welsh Government Circular 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants'.

The site is located within the countryside with no mains foul connection within the vicinity of the site. While a connection could potentially be achieved it is considered the works required to facilitate such a connection and the associated costs would not be proportionate when taking into consideration the fact that the site would be operated remotely and would be largely unoccupied. For the same reasons it is considered that a requirement to provide package sewage treatment plan would also not be reasonable.

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The Circular recognises that in principle, a properly constructed and maintained cesspool, being a holding tank with no discharges, should not lead to environmental, amenity or public health problems. However, the circular notes that cesspools are not a sustainable, long term solution for sewage provision. It is recognised that for a dwelling, for example, where there may be relatively high foul water discharge volumes, such an arrangement would not be an acceptable or sustainable long term solution. However, following full and detailed consideration of the factors listed within 2.6 of the Circular 008/2018, it is considered that the proposed cesspit would, if properly managed, be an acceptable means of foul water disposal having regard to the specific circumstances of this application and particularly having regard to the fact that the site would not be manned. On this basis and subject to a condition requiring details of the proposed foul water system and its long term maintenance, it is considered, on balance, that the proposed method of foul water disposal is acceptable and the proposal would not fundamentally conflict with LDP Policy RP4, which broadly seeks to prevent water pollution.

### **Land Contamination**

The application has not been accompanied by a site investigation report that would assess potential contamination at the site and associated risks to the environment and human health. It is noted there is a former landfill site (LF:024: Gorswen Farm) some 300m to the south of the site and in view of the potential hydrological connection to designated sites it is considered, following a precautionary approach, that condition should be included in relation to the unsuspected contamination at the site. NRW have raised no concerns in relation to potential land contamination at the site.

### **Impact upon Heritage Assets**

The LVIA confirms there are a number of listed buildings and two scheduled ancient monuments (SAMs) within the 2km study area of the application site. The nearest listed buildings are the grade II listed Cefnforest Fawr farmhouse (1.8km to the south west) and the grade II\* listed Church of St David and St Cyfleach (1.8km to the south). The nearest SAM is Earthwork 1080m NNW of Fforest Newydd located approximately 1.4km to the west of the site. LVA considers there is no inter visibility between these heritage assets and the application site due to the prevailing topography and existing vegetation coverage. Following a review of the LVA document these conclusions are accepted. Cadw have been consulted on the application but to date no comments have been received. Cadw's response to the applicant's formal pre-application consultation confirms their view that no scheduled monuments or registered historic parks and gardens would be affected by the development.

The Council's archaeological advisors GGAT have noted the proposed development is located in an area of archaeological potential, with both known prehistoric and post-medieval sites in the vicinity. These include a probable Iron Age enclosure to the northwest, several traditional farmsteads such as Abergelli Farm and Lletty Morfil Farm, as well as Industrial features such as Bryn Whilach Colliery and associated mineral railway. GGAT have therefore recommended a condition for a written scheme of investigation for a programme of archaeological works. This would likely take the form of a watching brief during groundworks. Subject to this condition it is considered that the proposed development would accord with LDP Policies HC1 and HC2.



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### Interaction with Abergelli Power Project

In the view of the fact that there is a DCO in place for APP, which would affect the access to the proposed development, Abergelli Power have been consulted on the proposals and have raised a number of concerns which are set out within their letter to the applicant in response to a pre-application consultation.

APP was granted a Development Consent Order September 2019 and the order came into force on 10th October 2019. There is a requirement for development to commence within 5 years.

The DCO includes powers of compulsory acquisition for Abergelli Power Limited (APL) to enable APL (where it does not have an agreement in place with the relevant land owner) to occupy the land set out within the order for construction and maintenance purposes, and to acquire the necessary rights to maintain and use the relevant part of APP. The Order also grants APL the power to survey and investigate any land which may be affected by the authorised development. APL note that this is particularly relevant to the preconstruction stage during which APL will be undertaking various surveys required for the purposes of detailed design and to discharge planning requirements.

It is important to point out that within their response to the pre-application consultation APL have noted there is an opportunity for the projects to co-exist and to share a new access road, however, they note there are a significant number of matters which need to be resolved before this can happen, these are discussed further below.

Concerns were raised by APL that part of the eastern boundary would not overlap with the APP site. In response to this concern the applicant has confirmed the only area that would overlap with APL would be the access road.

In relation to the access road the applicant has confirmed they have an option agreement with the landowner for the new access. Initial discussions have been held with APL and the applicant (Statkraft) to ensure the access route is constructed to suit both parties through all development phases. The detailed access design would need to include the necessary ducting and crossing points to facilitate APL's underground cabling without impacting upon the access.

APL have raised concerns in relation to whether the access route proposed by the applicant is deliverable due to potential constraints. In response to this concern, further information has been submitted by the applicant in relation to the levels at the site which demonstrates that a safe access can be provided along the proposed route.

APL are concerned that the timing of the proposal may impact upon their requirements to carry out surveys within and around the access area including species, heritage, site investigations, peat and minerals surveys, and these could be frustrated by the presence of any construction compound, should the applicant commence works prior to APL. There is also a concern that the requirement for noise and air quality surveys could be affected. In response to these concerns the applicant has indicated that they do not intend to prevent access for the carrying out of site surveys and would welcome mutual cooperation over access rights. Moreover, the applicant has indicated their willingness to share construction programmes to facilitate any time sensitive planning surveys and information gathering.

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APL have noted that if their access is constructed first and they have complied with their various requirements in terms of landscaping and ecological improvements, there is a concern that the proposed development could impact upon those improvement works. In response to this concern the applicant has indicated their willingness to work with APL to ensure environmental enhancements for both projects are implemented and that any phased construction by either party is not detrimental to the other party's ecological enhancements.

APL have noted that the proposed access could impact on DCWW infrastructure. As indicated above, following a consultation response from DCWW, the protection of these assets can be secured through conditions.

Finally APL have expressed concerns regarding the potential combined noise impacts of both developments. As indicated above the combined noise impacts have been fully considered under this application and specific noise limits will be applied to the development to be secured through a planning condition.

In light of the above there are a number of areas where potential conflict may arise between the APP and the proposed development. However, initial discussions have been held and it is clear the applicant is open to a collaborative approach that seeks to deliver the proposed development without compromising APL's ability to deliver the APP. The applicant has secured a grid connection contact with National Grid with an estimated completion date for the development of 2nd quarter of 2024. With an overall construction period of 18 months (including pre-construction assessments, appointment of contractors, ordering equipment etc) there will be a suitable lead in time for the applicant to engage further with APL to finalise discussions on the construction of the access and potential joint working arrangements.

While APL's concerns are noted and are material to the consideration of this application, it is not considered the issues raised would amount to a sustainable reason to refuse the application. The material planning considerations raised have been addressed above and, where necessary, conditions have been recommended to address matters raised in relation to access, ecology, protection of the watermain and noise impacts.

**Other Matters**

The application site is within the consultation distance of several gas pipelines, accordingly the HSE have been consulted and have not advised against the granting of planning permission on safety grounds.

The site is also crossed by overhead powerlines which are indicated to be grounded as part of the development. Consent will be required from Western Power for these works and the applicant has indicated they will reach an agreement with the operator for these works, should planning permission be granted.

The proposal is located within the open countryside and is justified on the basis that the development will provide necessary infrastructure to assist in the transition to renewable and low carbon forms of energy production. In time such facilities may not be necessary and it is important that when the facility is no longer required that the infrastructure is decommissioned to a satisfactory standard in the interests of the environment and the general amenity of the area.

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Should planning permission be granted a condition would be imposed to achieve this, in accordance with Policy EU1.

### Conclusion

The proposed development would support the shift towards a greater reliance on renewable energy. The need for such developments is recognised by Welsh Government and is supported within national planning policy. While the site is located within the open countryside the development is considered to provide necessary infrastructure and the applicant has demonstrated through a site selection search that the development could not be reasonably located within a nearby settlement. The development will result in local landscape impacts both alone and in combination with other existing or consented developments. The applicant has provided mitigation proposals that will ameliorate the visual impacts of the development and have the potential to enhance the biodiversity of the area. Subject to conditions it is not considered that the proposed development would result in any significant impacts upon any nearby residential properties. Moreover, it is considered the potential adverse highway safety impacts arising from construction traffic, both alone and in combination with the APP can be appropriately managed by a condition.

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. 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:
  - 3421-DR-P-009 Rev 1 (Indicative Weldmesh Fencing)
  - 3421-DR-P-000 Rev 2 (Indicative Transformer & HV Compound)
  - 3421-DR-P-0004 Rev 1 (Indicative Battery Container / Welfare Facility)
  - 3421-DR-P-0005 (Indicative Inverter Cabinets)
  - 3421-DR-P-0007 Rev 1 (Indicative Cooler)
  - 3421-DR-P-0008 Rev 1 (Indicative Energy Management Building)
  - 3421-DR-P-0010 Rev 1 (Indicative Weldmesh Gate Detail)
  - 3421-DR-P-0011 (Indicative Diesel Generator)
  - 3421-DR-P-0014 Rev 1 (Main Control Room Elevations)
  - 3421-DR-P-0017 (Indicative Security Column), received 21st January 2021

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3421-DR-P-0001A Rev 11 (Proposed Site Layout Main Compound)  
3421-DR-P-0012 Rev 1 (Switchgear container/LV Switch House)  
3421-DR-P-0015 Rev 3 (Indicative North Facing Elevation)  
3421-DR-P-0018 (Indicative East Facing Elevation)  
3421-DR-P-0019 (Indicative South Facing Elevation)  
3421-DR-P-0020 (Indicative West Facing Elevation), received 2nd February 2021

3421-DR-P-0021 (Access Track Earthwork Details), received 8th June 2021.

3421-DR-LAN-101 REV D (Landscape and Biodiversity Mitigation Plan), received 21st June 2021.

3421-DR-P-0001B REV 13 (Proposed Site Layout Block Plan), received 29th June 2021.

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

3 No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Identify any surrounding watercourses, including intermittent drainage from highways, that could run across the site. Clarify what measures, if any, could be implemented to ensure that water could be prevented from running across the site, so that it could carry on its journey without becoming contaminated from the construction activities.
- Propose measures to ensure how any water that could not be prevented from running across the site, would be protected from becoming contaminated with sediment
- Propose how to manage water arising from the site, such as rainfall, in such a way that it does not become contaminated with sediment.
- Propose measures which ensure how any water contaminated with sediment will be prevented from leaving the site before it is clean.
- Propose how any drains that have been laid are going to be protected from sediment laden water entering them.
- Biodiversity Management: details of tree and hedgerow protection; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of dust control measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: plant on site, wheel wash facilities.

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- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to pollution, contamination, water resources and ecology.

- 4 Prior to the commencement of development a written scheme for the management and mitigation of artificial light emissions for both the construction phase and operational phase shall be submitted to and approved in writing by the local planning authority. The approved scheme for the management and mitigation of artificial light emissions shall be implemented at all times in accordance with the approved details for the respective construction and operational phases.

Reason: To ensure dark corridors and habitats are retained across the site to protect bats, badgers, and other nocturnal species and to protect nearby habitats.

- 5 Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall cover a minimum ten year period and shall include:

- 1) Measures for the establishment, enhancement and management of all habitats (existing and proposed) within the site, including planting schedules and details of ongoing management.
- 2) A programme and timetable for the implementation of the works and for subsequent management activities as well as a monitoring schedule for habitats and species, post completion. All measures and works shall be completed in accordance with the approved details and programme.
- 3) Full details of ecological enhancements including, but not limited to, bat and bird boxes, hedgehog friendly fencing and timings for their implementation.

The LEMP shall thereafter be implemented in strict accordance with the approved details and timetables.

Reason: In the interests of providing, managing and maintaining the landscape and ecological features of the site in an appropriate manner.

- 6 Notwithstanding the details indicated on the approved drawings, a full landscaping scheme for the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved scheme shall be implemented within the first planting season following the completion of the development or the first beneficial use of the development commencing, whichever is the sooner. The landscaping shall thereafter be managed and maintained in accordance with the approved Landscape and Ecological Management Plan under condition 5.

Reason: To ensure the satisfactory long term landscaping, screening and biodiversity benefits for the development.

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7 Prior to the commencement of any development hereby approved, a construction traffic management plan shall be submitted to and approved in writing by the local planning authority. The construction traffic management plan shall include:

- Routeing of excavation and construction vehicles.
- Access arrangements to the site inclusive, of the management of pedestrians and other road users as to cause minimal disruption to the highway network.
- Estimated number and type of vehicles per day/week inclusive of swept path analysis.
- Details of the vehicle holding area.
- Details of the vehicle call up procedure
- Estimates for the number and type of parking suspensions that will be required.
- Details of any diversion, disruption or other abnormal use of the public highway during excavation and construction works.
- Strategy for coordinating the connection / diversion of services on site with any programmed work to utilities upon adjacent land / highway.
- Work programme and/or timescale for each phase of the excavation and construction works.
- Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.
- Traffic Signs Manual Chapter 8 traffic safety measures and signage proposals including durations.
- Scaled engineering drawings overlaid on the adopted highway network.
- Copy of Public Liability Insurance.
- Key personnel contact details and site organisation.
- Pre-commencement highway condition survey and annotated plan.
- Construction, specification, plans and details.
- Diversion of Statutory Undertaker apparatus inclusive of Street Lighting etc.
- Swept Path Analysis and any mitigation measures required.
- Pre-commencement highway condition survey and annotated plan.
- Proposals for management of any affected public rights of way during construction of the authorised development.

The construction traffic management plan shall be implemented as approved for the entire duration of the construction period for the development hereby approved.

Reason: In the interests of highway safety and pedestrian safety.

8 No development shall take place until a written scheme of Historic Environment Mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme. A detailed report on the archaeological work shall be submitted to and approved in writing by the local planning authority within six months of the completion of the archaeological fieldwork.

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

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- 9 No development shall commence until full details of the materials and colours 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. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development.  
Reason: To ensure a proper standard of development and appearance in the interests of ensuring appropriate materials and colours in this countryside location.
- 10 By no later than 24 months from the development ceasing to be used for the purposes of the storage and distribution of electricity a decommissioning and site restoration scheme with a proposed implementation timetable shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) community liaison;
  - b) complaints procedures;
  - c) nuisance management (including measures to avoid or minimise the impacts of decommissioning works (covering dust, noise, vibration and lighting));
  - d) dust management measures;
  - e) site waste and materials management measures;
  - f) environmental protection and pollution control measures;
  - g) security measures and use of artificial lighting;
  - h) landscape restoration scheme; and
  - i) a list of additional consents required for decommissioning activities and a programme for the intended submission of relevant consent applications.

The development shall be decommissioned in accordance with the approved scheme and timetable.

Reason: To ensure the development is removed after its lifetime in the interests of visual amenity and to ensure the decommissioning of the development would not result in any harmful environmental impacts and highway safety impacts.

- 11 No development shall commence until a scheme for the structural protection of the strategic water mains crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include the precise location of the water mains in relation to the development, method statements and risk assessments for the protection of the structural condition of the water mains. The approved scheme and any required protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including any restoration works.  
Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.
- 12 The boundary treatments for the development shall be implemented in accordance with the details indicated on the approved plans save for any necessary modifications to the design required in order to provide hedgehog access under condition 5. The approved boundary treatments shall be provided prior to the first beneficial use of the development commencing and shall thereafter be retained as such for the lifetime of the development.  
Reason: To protect the visual amenity of the area and in the interests of protecting the ecology of the area.

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- 13 Notwithstanding the details indicated on the approved drawings, prior to the commencement of development, full details of the levels for the development including the provision of existing and proposed cross sections through the compound and any associated cutting and embankment works shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be retained as such for the lifetime of the development.  
Reason: To ensure the final levels for the development would not result in any harmful landscape and visual impacts.
- 14 Prior the commencement of development details shall be submitted to and approved in writing by the local planning authority for a scheme to provide a permanent crossing for public footpath LC117 where it crosses the proposed access route. The scheme shall be implemented as approved prior to the first beneficial use of the development commencing.  
Reason: In the interests of pedestrian safety and to encourage active travel.
- 15 If, during the course of development, contamination not previously identified is found to be present at the site no further development, unless previously agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination. The development shall thereafter be implemented in accordance with the approved strategy.  
Reason: In the interests of health and safety and to protect the environment.
- 16 Prior to the installation of the welfare unit at the site, full details of the proposed cesspit to be fitted with a level warning device shall be submitted to and approved in writing by the local planning authority. The details shall include:
- manufacturers details of the proposed system;
  - its capacity;
  - method of installation and;
  - maintenance and management details.
- The foul water drainage system shall be installed in accordance with the approved details prior to the first beneficial use of the development commencing and shall thereafter be retained, maintained and managed in accordance with the approved details for the lifetime of the development.
- Reason: To ensure the foul water system would not result in any detrimental environmental impacts.
- 17 The development shall be implemented in accordance with the mitigation measures, methodologies, timetables and details contained within the following documents:
- Hazel Dormouse Non-Licensed Method Statement dated January 2021.
  - Reptile Report dated January 2021
  - Reptile Method Statement dated January 2021
- Reason: To ensure the development is implemented having regard to the potential presence of protected species on or near to the site.



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- 18 When assessed in accordance with BS 4142:2014+A1:2019, the Rating level of noise due to the Development when measured in the amenity areas of nearby dwellings, shall not exceed the levels specified in the table below:

Receptor Name	Approximate grid reference	BS 4142 Rating Level, dB	
		Daytime (0700-2300)	Night-time (2300-0700)
Abergelli Farm	265112, 201632	40	37
Abergelli (new build)	264949, 201486	42	41
Lletty'r Morfil Farm	264754, 201074	43	38
Maes-eglwys	265455, 200708	40	40

Reason: To protect the residential amenity of the occupiers of nearby properties in the interests of the health and well-being.

**Informatives**

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green Infrastructure

Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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, IO1, HC1, HC2, ER2, ER5, ER6, ER8, ER9, ER11, T1, T5, T6, T7, EU1, EU2, EU4, RP1, RP2, RP3, RP4, RP5 and RP6.

- 2 Dormice may be present. Dormice 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 dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk))

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- 3 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.
- 4 All trenches and excavations shall be fenced off or covered-over at night to prevent any animals (hedgehogs, and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape shall 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 wildlife each morning before starting construction activities.
- 5 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).

- 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.

- 7 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 any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)).

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- 8 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, grass snake, 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 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)).
- 9 Otters may be present. Otters are protected under Schedule 5 of the Wildlife and 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 otter use is encountered (e.g. live otters, spraints or resting places) during the work, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk))
- 10 Water voles may be present. Water voles are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) making it an offence to damage or destroy the breeding site or resting place. It is also an offence to recklessly / intentionally to disturb such an animal. If evidence of water vole use is encountered (e.g. live water voles, droppings, holes or resting places) during the work, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).
- 11 For the avoidance of doubt the "indicative" plans referred to within condition 2 are approved plans unless otherwise restricted by other conditions within this planning permission
- 12 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)
- 13 Pre-construction checks for protected species including bats, badger and nesting birds shall be undertaken by a suitably qualified ecologist. Additionally, preconstruction checks of aquatic habitat within 10 metres of the development shall be undertaken for otter and water vole, by a suitably qualified ecologist. If evidence of any of these species is located, all works must stop and NRW contacted for advice.
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Item 2

Application Number:

2021/0961/S73

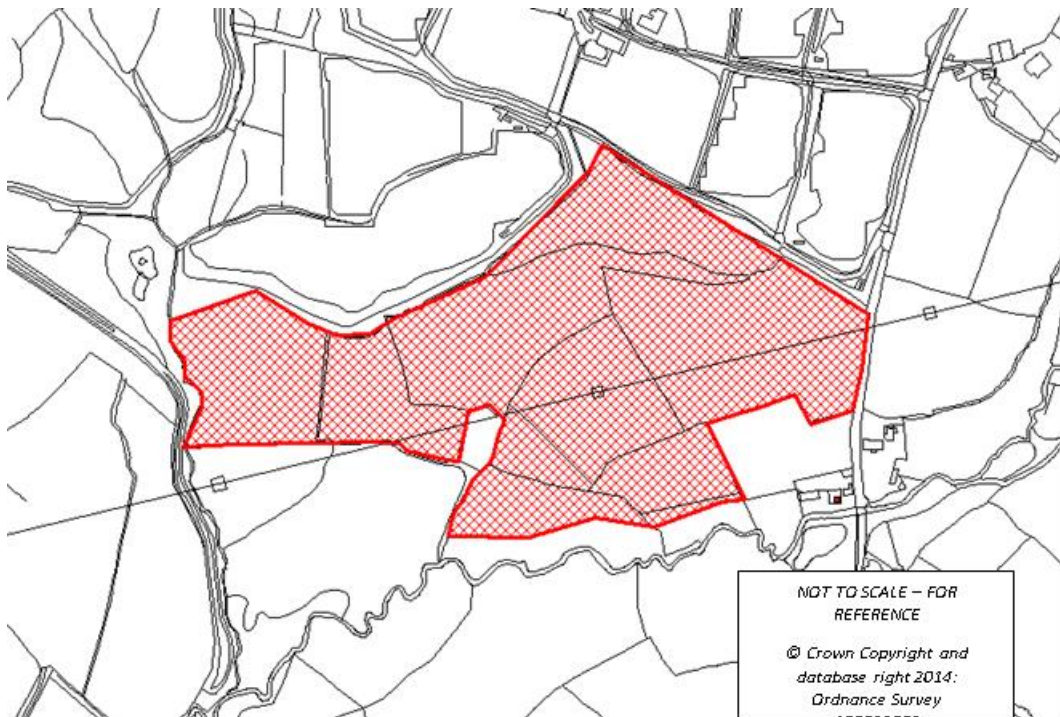
Ward:

Mawr - Area 1

**Location:** Felin Wen Farm , Rhydypany Road, Morriston, Swansea, SA6 6NX

**Proposal:** Installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works (amendment to condition 2 of planning permission 2020/0257/FUL granted 11th August 2020) to allow for alterations to internal access track and transplanting of hedgerows

**Applicant:** Ms Claudia Dietz PS Renewables



**Background Information**

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2020/0257/FUL	Installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works	APP	11.08.2020

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**Item 2 (Cont'd)**

**Application Number:**

2021/0961/S73

2020/1884/DOC	Discharge of conditions 5 (Construction Environmental Management Plan), 6 (scheme for the structural protection of the water main), 7 (Construction Traffic Management Plan), 8 (dilapidation surveys on the adopted highway), 9 (Site Waste Management Plan), 14 (scheme of external lighting) and 16 (external colour and facing materials of the buildings) of planning permission 2020/0257/FUL approved 11th August 2020	APP	17.11.2020
2020/2077/DOC	Discharge of conditions 3 (Historic Environment Mitigation) and 4 (Landscape and Ecological Management Plan (LEMP)) of planning permission 2020/0257/FUL granted 11th August 2020	APP	11.12.2020
2020/2115/NMA	Non -Material Amendment to Planning Permission 2020/0257FUL granted 11th August 2020 allow reduction in PV panels up to 20,000 photovoltaic panels, 3 inverter stations, a single control building, 2 substation buildings, a meter room and associated works and reduction in length of access track within site to 800m.	APP	24.11.2020

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Item 2 (Cont'd)	Application Number:	2021/0961/S73
2021/1059/NMA	Installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works (Non Material Amendment to planning permission 2020/0257/FUL granted 11th August 2020) to allow for an increase in size of the customer substation building	APP 17.05.2021

### Background

This application is being reported to Planning Committee as the site area exceeds the development threshold of 2 hectares.

Planning permission for the installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works was granted on the 11th August 2020, 2020/0257/FUL refers.

A Non-Material Amendment application (Ref. 2020/2115/NMA) to planning permission 2020/0257FUL to allow 'reduction in PV panels up to 20,000 photovoltaic panels, 3 inverter stations, a single control building, 2 substation buildings, a meter room and associated works and reduction in length of access track within site to 800m' was approved on 26th November 2020.

Details relating to all pre-commencement conditions i.e.03, 04, 05, 06, 07, 08, 09, 14 and 16 of the full planning permission 2020/0257/FUL have been agreed.

### Site Location

The proposed site lies approximately 1.9 km from Clydach, Pant-Iassau is approximately 650 m to the south with Felindre 2.4 km to the north west. There are a small number of scattered houses in the vicinity of the site. The closest of these is Felin-Wen-Court located approximately 60m to the south east, with Cefn Betingau farm complex 100m to the north, Pen-y-fedw about 250 m north east, Maes-eglwys Farm, approximately 330m south west and Llyn-Y-Fan approximately 500m to the north.

No public footpaths or bridleways cross the site or pass near to it. The site is not located within any national or international ecological or landscape designation and is predominantly open agricultural land with hedgerow / tree boundaries. The nearest ecological designated site is located approximately 2.3 km to the west. This is the Nant Y Crimp Site of Special Scientific Interest (SSSI).

**Item 2 (Cont'd)**

**Application Number:**

2021/0961/S73

Construction traffic accessing the site would approach from the M4, onto the Heol Maes Eglwys Road and along the Rhydypany Road, before turning off onto the existing farm access into the site.

#### Description of Development

A retrospective application to vary the original full planning permission is sought to the previous planning permission granted for the installation of a solar photovoltaic (PV) array on land at Felin Wen Farm, Rhydypany Road, Morriston, Swansea. The amendment relates to a reduction in the internal access tracks by approximately 20m, its relocation next to the overhead lines and to facilitate the re-positioned access track, new gaps in the hedgerow have been created and the original gaps have been filled in by way of transplanting the hedgerow sections which were removed. The transplanted hedgerow sections will be checked and monitored and any parts of these hedgerows that are not thriving will be replaced by native species in line with the details contained in the approved Landscape Management Plan.

The amendments are proposed following a review of National Grid requirements where some health & safety concerns were identified with the access track running below the 400 KV national infrastructure overhead line.

#### **The National Development Framework: Future Wales - the National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

#### **Planning Policy Wales (11th Edition) 2021**

##### Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales. Page 70

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### Environmental Sustainability

3.7 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.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

### Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

### The Best and Most Versatile Agricultural Land

3.54 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system(ALC)15 is the best and most versatile, and should be conserved as a finite resource for the future.

3.55 When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.



Energy

5.7.1 The planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

5.7.2 The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors. The budgets will set limits on the total amount of greenhouse gas emissions emitted in Wales over a 5 year period to serve as stepping stones and ensure progress is made towards the 2050 target.

5.7.3 Climate change is a global challenge, with impacts felt at the local level presenting a significant risk to people, property, infrastructure and natural resources. We need to plan for these impacts, reducing the vulnerability of our natural resources and build an environment which can adapt to climate change. The planning system plays a significant role in managing this risk. Development allowed today will be around for decades to come. The most important decision the planning system makes is to ensure the right developments are built in the right places.

5.7.4 The Welsh Government is committed to delivering the outcomes set out in Energy Wales:

A Low Carbon Transition. Our priorities are:

- reducing the amount of energy we use in Wales;
- reducing our reliance on energy generated from fossil fuels; and
- actively managing the transition to a low carbon economy.

5.7.5 These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

5.7.7 The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.

5.7.8 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:

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;

- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as district heating networks;
- minimise the carbon impact of other energy generation; and
- move away from the extraction of energy minerals, the burning of which is carbon intensive.

#### Renewable Energy Targets

5.7.16 The Welsh Government has set targets for the generation of renewable energy:

- for Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- for new renewable energy projects to have at least an element of local ownership by 2020.

5.7.17 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.

5.7.18 To assist in the achievement of these targets, local authorities must take an active, leadership approach at the local or regional level, by identifying challenging, but achievable targets for renewable energy in development plans. In order to identify a measurable target, which can be assessed and monitored, it should be expressed as an absolute energy installed capacity figure. This should be calculated from the resource potential of the area and should not relate to a local need for energy.

5.7.19 Planning authorities should consider the renewable energy resource they have available in their areas when formulating their renewable energy target, informed by an appropriate evidence base, and use the full range of policy options available, including developing spatial policies in their development plans. Targets must not be seen as maximum limits, but rather used as a tool to maximise available resource, and where proposals exceed the target they should not be refused.

#### Renewable and Low Carbon Energy

5.9.1 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.

5.9.2 Planning authorities must develop an evidence base to inform the development of renewable and low carbon energy policies. Planning authorities should:

- take into account the contribution their area can make towards the reduction of carbon emission and increasing renewable and low carbon energy production;
- recognise that approaches for the deployment of renewable and low carbon energy technologies will vary;
- identify the accessible and deliverable renewable energy resource potential for their area, including heat, and consider the likely utilisation of this resource over the plan period;
- assess the social, economic, environmental and cultural impacts and opportunities arising from renewable and low carbon energy development;
- take into account the cumulative impact of renewable and low carbon energy development and their associated infrastructure, for example grid connections;

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- identify criteria for determining applications for sites based on their installed capacity;
- engage with the renewable energy development industry and consider the deliverability of schemes;
- take into account issues associated with grid connection (see Grid Infrastructure section) and the transportation network; and
- consider local and strategic priorities for renewable energy.

Locational Policies for Renewable and Low Carbon Energy Development

5.9.9 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.

Development Management and Renewable and Low Carbon Energy

5.9.16 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.

5.9.17 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.

5.9.18 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.

5.9.19 Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.

### Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of wellbeing, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

### 6.3 Landscape

6.3.1 Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. Landscape policy is guided by the European Landscape Convention.

6.3.2 The landscapes of Wales are rich and varied. Many Welsh landscapes are iconic, and a quarter of the land area of Wales is designated as either a National Park or Area of National Outstanding Beauty (AONB). The character and special qualities of all our places and landscapes, both urban and rural, can provide a strong sense of place, inspiration and belonging, and contribute to the distinctive cultural identity of Wales.

6.3.3 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:

- ensuring Wales contributes to meeting international responsibilities and obligations for landscapes;
- ensuring statutorily designated sites are properly protected and managed;
- ensuring that the value of all landscapes for their distinctive character and special qualities is protected; and
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.

6.3.4 Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission

#### Biodiversity and Ecological Networks

6.4.3 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. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

#### Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- diversity between and within ecosystems;
- the connections between and within ecosystems

- the scale of ecosystems;
- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

#### Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

#### Protected Species

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

#### Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

#### Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

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Development and Flood Risk

6.6.22 Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

Adopted Swansea Local Development Plan (2010-2025)

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

HC 2 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.

ER 1 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.

ER 2 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 multifunctional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 5 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.



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ER 6 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.

ER 8 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.

ER 9 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.

ER 11 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.

CV 2 Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

T 5 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.

T 6 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.

T 7 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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EU 1 Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria.

RP 1 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.

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 3 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.

RP 4 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.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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.

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

**Consultations:**

**Council's Tree Officer:** The change of track location has resulted in the loss of hedging plants. The contractors had tried to translocate these but they have failed as it has not been done with suitable knowledge or method.

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The loss is not significant but the bare sections of hedge should be replanted in the planting season with a native hedge mix.

Can we ask for details to be submitted to include: Species, stock type, stock size, guarding, maintenance and planting method

**Further comments following submission of additional details** : The proposals are suitable to mitigate the change of gate positions.

## APPRAISAL

### Main Issues

The main issues to consider in the determination of this application relate to the impact of the works already undertaken on the visual and residential amenity of the area and 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 lies within an area that is identified as being within a Local Search Area for renewable and low carbon developments under Policy EU1. In terms of national guidance, national planning policy on renewable energy developments is set out in Future Wales, Planning Policy Wales, Edition 11 (PPW) and the associated Technical Advice Note (TAN) 8: Renewable Energy.

PPW recognises the key role the planning system has in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors.

PPW states that 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. Importantly, PPW recognises that the planning system should, amongst other things, maximise renewable and low carbon energy generation; minimise the carbon impact of other energy generation; and move away from the extraction of energy minerals, the burning of which is carbon intensive. PPW recognises 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. PPW 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.

Planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of the 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.

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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.

LDP Policy EU1 states:

“ii. Local Search Areas (LSAs) - Within the LSAs, proposals for solar PV between 5 – 50 MW will be permitted subject to criteria iii to v. All other proposals for renewable and low carbon energy development will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.

iii. Proposals for all types of renewable and low carbon energy development and associated infrastructure, either on their own, cumulatively or in combination with existing, approved or proposed development, should comply with all other relevant policies in the Plan and should not have a significant adverse effect on:

a. The characteristics and features of the proposed location as a result of the siting, design, layout, type of installation and materials used; b. Public amenity or public accessibility to the area;

c. Radar, Aircraft Operations or Telecommunications;

d. Carbon sinks, unless it can be demonstrated that on-site loss can be adequately mitigated;

iv. Satisfactory mitigation should be in place to reduce the impact of the proposal and its associated infrastructure; and in the case of solar proposals must mitigate against any impacts of glint and glare. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use. This will be agreed with the LPA prior to the development being carried out.

v. Where necessary, additional compensatory benefits will be sought in accordance with Policy IO 1 Supporting Infrastructure and Planning Obligations.”

The previous grant of planning permission has already established the principle of development at this particular site. Therefore, the only issue to be considered as part of this application is whether or not the changes to the internal track and hedgerows gap placements is acceptable in light of the aforementioned policies.

**Visual Amenity:**

The proposed development site stretches from the RhydyPandy Road in a westerly direction over seven small fields to meet a ditch / small stream and tributary of the Afon Llan. To the north a wooded stream valley separates this farm from Cefn Betingau. To the south part of two fields slope gently to the Afon Llan (River Llan). The site boundary is placed to preserve a 30m riverline corridor from the Afon Llan.

In terms of the impact of the scheme upon the character and appearance of the open countryside, the previously submitted LVIA investigated a number of viewpoints to analyse the existing baseline conditions and assess the likelihood for potential visual effects caused by the proposed development. The assessment in this LVIA indicated that there would be no “critically damaging” visual impacts on listed buildings, scheduled ancient monuments or vistas from Conservation Areas as a result of these proposals.

The previous report acknowledged that “the site is enclosed by hedges, hedgebanks and riparian woodland with the individual fields enclosed with further hedges and occasional trees. Boundary hedges plus any internal ones needed to ensure visual screening will be grown on to 3.5m high. A new entrance gate, similar to that at the entrance to Cefn Betingau Solar Park, around 100m further north along Rhydypany Road, will replace the existing field gate at the northeast corner of the site.

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New native hedgerows will be planted to deflect and in due course block views into the site from this entrance. All existing hedges will be gapped up as necessary. It is acknowledged that there will be some landscape change but it is considered that this will be very little in the overall landscape layout.”

It was considered that the LVIA demonstrated that the proposal would have an overall low or negligible impact upon the visual qualities of this open countryside area. The changes already undertaken as part of the current proposal are not considered to have any further undue visual impact over and above that previously considered and as such, the current proposal complies with Policies PS1, PS2 and EU1.

**Residential Amenity**

There are no immediate residential properties close to the site as the nearest property Felin Wen is approximately 60m to the south east of the site. The other nearest properties are between 100m and 500m from the site.

The LVIA submitted as part of the original planning permission considered the visual impact of the overall development from these surrounding residential properties, and concluded that whilst it may be visible to some extent from these properties, the existing screening provided by hedgerows and proposed additional hedgerow planting would mitigate these impact and would not have any significant impact when viewed from both private and public vantage points. The planting of additional hedgerow would also serve to enhance the landscape character which would also provide greater value for wildlife. It is considered that the current proposal to amend the location of the gaps in the hedgerow would not change this impact.

In terms of the potential for glint and glare, and potential noise and disturbance these were considered as part of the previous approval and there are considered to be no changes to these details.

**Ecology / Trees**

The applicant had undertaken an ecological impact assessment of the proposed Solar Park as part of the previous planning permission. This comprised of a detailed desk study, consultation and field survey. There are no statutory designated sites within 2km of the proposed Solar Park and there are twenty-two non statutory designated sites within 2km of the proposed Solar Park. An Extended Phase 1 Habitat Survey and desk study was undertaken in June 2019 to determine the potential for notable and protected species and habitats within the site and the surrounding area. In built mitigation has been incorporated into the proposed development to ensure all species are safeguarded as far as possible during the proposed development and to provide biodiversity net gains through habitat creation and enhancement. As the survey was undertaken less than 2 years ago, then it is considered that the contents are still valid.

No significant impact upon protected species was anticipated as part of the previous permission and it is not considered that there will be any further impact as part of this proposal as the applicant had included the following mitigation measures as part of the scheme:

-13.2m of new hedgerow will be planted within the existing access points, which will no longer be used, and an additional 10m of new hedgerow will be planted at the entrance point (indicated as 'hedge B' on the General Layout; drawing no. 1.3 Rev C).

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- The loss of additional 15.8m hedgerow to the north of Inverter 1 (indicated as 'hedge A' on the General Layout; drawing no. 1.3 Rev C), to facilitate construction, will be replaced in full
- Retain and safeguard all trees on site;
- Retain and safeguard all ditches and watercourses;
- Undertake a pre-construction badger survey across the proposed site;
- Ensure there is no habitat fragmentation by installing 'badger gaps' at the base of the perimeter deer fencing. These gaps can be used by badgers and other species to maintain full access across the site post development;
- Safeguard badgers and small mammals such as hedgehogs/hares/polecats during the construction phase by ensuring excavations are fenced/covered overnight (or an egress point such as a ramp is provided). Excavations will be inspected each morning to ensure no animals have become trapped; and
- Prepare a Construction Environmental Management Plan (CEMP) to ensure that best practice methods are adhered to in order to limit the generation of litter, dust, noise, vibration and pollution prevention. The CEMP will also include details of briefings and instruction to contractors regarding the biodiversity present on the site as appropriate.

The Council's Ecologist had reviewed the information within the originally submitted documents and raised no objection to the proposal but requested that additional information be submitted for further approval via condition e.g. a Landscape and Management Plan. Several other specific informatives relating to bats, badgers, otters, nesting bird etc. were also required. Natural Resources Wales had also requested conditions regarding a Construction Environmental Management Plan and Landscape and Ecological Management Plan (LEMP) to ensure the long-term success of the landscape scheme of mitigation and to ensure connectivity to the wider environment. These were attached to the original grant of consent and will be re-imposed as part of the current approval or the applicant will be advised that the scheme has to be implemented in accordance with approved details if the conditions relating to these issues have already been discharged.

The Council's Tree Officer has raised no objection to the scheme as the further details received showing the management plan for the retention of the already translocated hedgerows is acceptable and a condition is recommended that the scheme is completed in accordance with these details within the first panting season following the completion of the solar farm.

In light of the above it is considered the proposed development, subject to conditions, would not result in any significant impacts upon the ecology in the wider area surrounding the site. The development is therefore considered to be acceptable having regard to LDP Policies EU1,ER2, ER6, ER8, ER9 and ER11.

**Access and Highway Safety**

It is considered that the current proposal would have no additional impact upon the access to the site or upon road safety.

**Heritage**

It is not considered that the current proposal would have any additional impact upon the heritage of the site.

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### Land stability

The site lies within a Coal Development High Risk Area and the Coal Authority raised no objection to the previous planning permission granted providing a standard mining informative was added to any planning permission given. It is not considered that the proposal would alter this opinion and the informative will be re-imposed as part of this permission.

### Conclusion

On balance, this minor change already undertaken to the overall approved details within planning permission 2020/0257/FUL application is considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties, visual amenity, ecology, habitats or highways safety. Approval is therefore recommended as the proposal is considered to be in accordance with the criteria laid out in Policies PS1, PS2, CV2, ER1, ER5, ER6, ER8, ER9, EU1 and RP4 of Swansea's Local Development Plan 2010 - 2025.

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.

### RECOMMENDATION:

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: arboricultural report, COMP AND CEMP, Environmental report volume 1, environmental report volume 2, site location drawing, LVIA and Construction traffic management plan, plan b existing and proposed elevations, plan c site topographical survey, plan d land ownership boundary received on 8th February 2020; arboricultural impact assessment, arboricultural method statement received 2nd April 2020,, 6.5 control room 6.7 EQ customer substation 1.2 rev A topographical survey 1.3 rev A general layout 1.6 rev A existing and proposed elevations 2.1 rev A security fence 6.1 rev A EQ inverter station 6.2 rev A EQ inverter 6.3 rev A EQ transformer and switchgear 6.8 rev A EQ DNO agreed as a Non Material amendment ref: 2020/2115/NMA and plan no: 6.7 REV B plans and elevations agreed as a Non material amendment ref: 2021/1059/NMA, 1.3 rev C site layout plan, hedgerow and management plan received 2nd July 2021  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 The development hereby permitted shall be undertaken in accordance with the details provided to discharge condition 03 (Historic Environment Mitigation) of planning permission 2020/0257/FUL which were agreed on 8th December 2020 Ref (2020/2077/DOC).  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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- 3 The development hereby permitted shall be undertaken in accordance with the details relating to condition 04 (Landscape and Ecological Management Plan) of planning permission 2020/0257/FUL which were agreed on 8th December 2020 Ref (2020/2077/DOC).  
Reason: In the interest of ecology.
- 4 The development hereby permitted shall be undertaken in accordance with the details required by Condition 05 (Construction Environmental Management Plan) which were discharged by the City & County of on 16th November 2020 (Ref: 2020/1884/DOC).  
Reason: To prevent pollution of controlled waters and the wider environment during the construction phase.
- 5 The development hereby permitted shall be undertaken in accordance with the details required by Condition 06 (scheme for the structural protection of the water main) were discharged by the City & County of Swansea on 16th November 2020 (Ref: 2020/1884/DOC).  
Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.
- 6 The development hereby permitted shall be undertaken in accordance with the details required by Condition 07 (Construction Traffic Management Plan) were discharged by the City & County of Swansea on 16th November 2020 (Ref:2020/1884/DOC).  
Reason: In the interests of highway safety.
- 7 The development hereby permitted shall be undertaken in accordance with the details required by Condition 08 (dilapidation surveys on the adopted highway) which were discharged by the City & County of Swansea on 16th November 2020 (Ref: 2020/1884/DOC).  
Reason: In the interests of highway safety.
- 8 The development hereby permitted shall be undertaken in accordance with the details required by Condition 09 (Site Waste Management Plan) which were discharged by the City & County of Swansea on 9th December 2020 (Ref: 2020/1884/DOC).  
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.
- 9 No later than 12 months from the first generation of electricity, the following schemes shall be submitted to and approved in writing by the Local Planning Authority:
- i. a scheme detailing the removal of all surface elements of the photovoltaic solar farm and any foundations or anchor systems to a depth of 300 mm below ground level;
  - ii. a scheme detailing the restoration and aftercare of the land; and
  - iii. a timetable for completion of the removal and restoration works.

The schemes shall be implemented within 12 months of the date of the last electricity generation and shall be completed in accordance with the approved timetable.

Reason: To safeguard the landscape and its visual amenity in accordance with LDP Policies EU1 and PS2.



- 10 The planning permission hereby granted is for a period of 40 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition in accordance with the details approved under condition 10 of this permission. Written confirmation of the date of commissioning of the development (defined as the date on which the solar farm is put into active operation for the generation of electricity) shall be submitted to the local planning authority within one month of that date.  
Reason: To safeguard the landscape and its visual amenity.
- 11 The development hereby approved shall be undertaken in accordance with the mitigation, compensation and enhancement listed in Section 6 of the 'Afon Llan Solar Park: Environmental Report Volume 1 - Main Text and Appendices', February 2020, Wessex Solar Energy Ltd received 8th February 2020 which shall be implemented prior to the first electricity generation.  
Reason: To ensure the proposal has no impact upon protected species.
- 12 The construction phase of the development hereby approved shall be undertaken in compliance with the Tree Protection Plan Ref: 15685-B/AJB as shown in Appendix 5 of the Arboricultural Method Statement received on 2nd April 2020.  
Reason: In the interests of visual amenity and to ensure trees are protected during the construction phase of the works.
- 13 The development hereby permitted shall be undertaken in accordance with the details required by Condition 14 (scheme of external lighting), which were discharged by the City & County of Swansea on 16th November 2020 (Ref: 2020/1884/DOC).  
Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site
- 14 The boundary enclosures, as indicated on the approved plans, shall be constructed prior to the commissioning date and shall thereafter be retained for the lifetime of the development.  
Reason: In the interests of security, community safety and visual amenity
- 15 The development hereby permitted shall be undertaken in accordance with the details required by Condition 16 (external colour and facing materials of the buildings), which were discharged by the City & County of Swansea on 16th November 2020 (Ref: 2020/1884/DOC).  
Reason: To ensure the finishes of the development have regard to its location within the countryside.
- 16 The hedgerow translocation scheme shall be carried out in accordance with the general layout plan 1.3 Rev A and the hedgerow planting and management details received on 2nd July 2021 within the next planting season following the completion of the solar farm.  
Reason: In the interests of visual amenity and ecology.

**Informatives**

1 The development plan covering the City and County of Swansea comprises Future Wales: The National Plan 2040 and the Swansea Local Development Plan (LDP) (2010-2025). The following policies were relevant to the consideration of the application:  
Policies 1, 2 9 and 17 of Future Wales  
Policies PS1, PS2,CV2, ER1, ER5, ER6, ER8, ER9, EU1, RP4 of Swansea's Local Development Plan.

2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

3 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

4 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.

5 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or a MCIfA level accredited Member.

6 Dormice may be present. Dormice are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly /intentionally to disturb such an animal. If evidence of dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960).

7 All trenches and excavations must be fenced off or covered-over at night to prevent any animals, hedgehogs, badgers, otters and other species) 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 wildlife each morning before starting construction activities.

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- 8 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).

- 9 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.

- 10 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work.
- 11 All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This 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.
- 12 The Great Crested Newt (GCN) is a European Protected Species (EPS). It is against the law to damage or destroy a GCN breeding site or resting place (pond or terrestrial habitat), or intentionally/recklessly to capture, kill, injure or disturb a GCN. If evidence of GCN is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work.

Item 3

Application Number:

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Ward:

Gowerton - Area 2

Location:

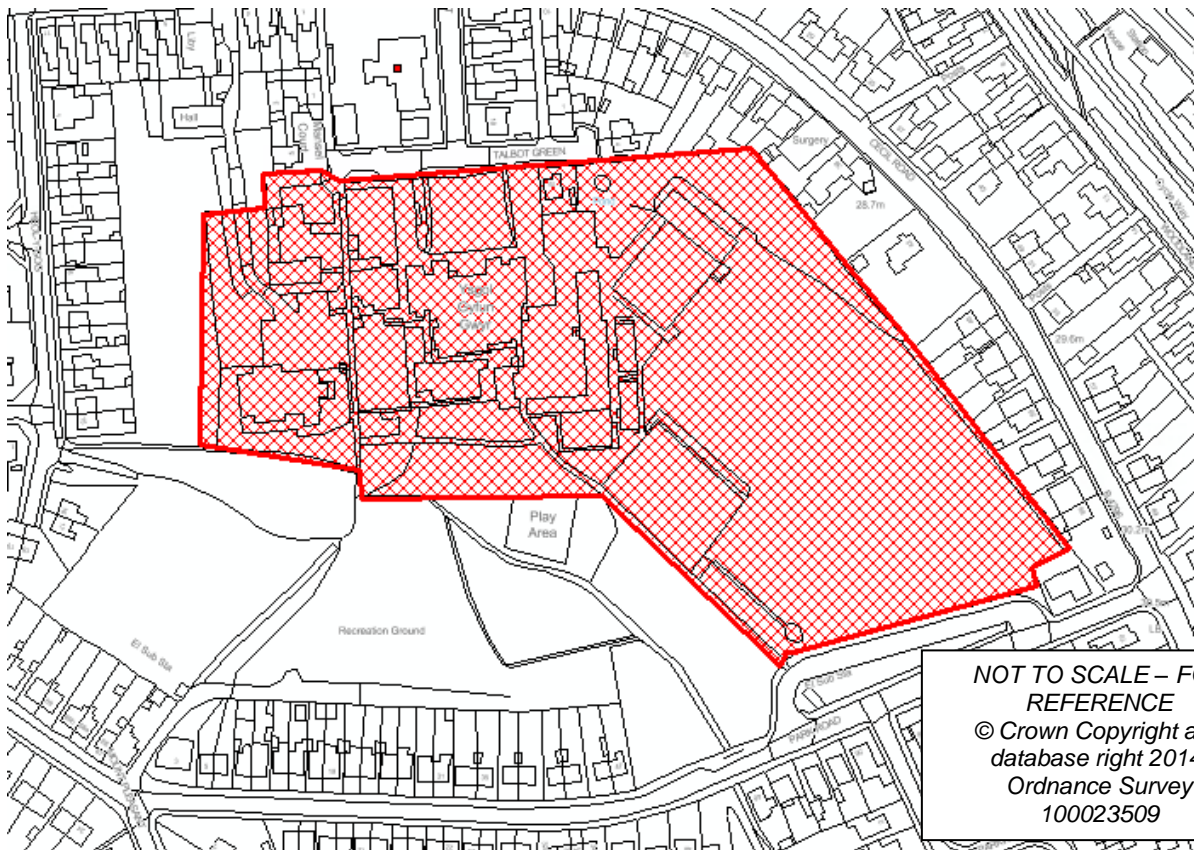
YGG Gwyr Comprehensive School, Talbot Green, Gowerton, Swansea, SA4 3DB

Proposal:

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) - Variation of Condition 2 (Plans Condition) of Planning Permission 2018/2691/RG3 granted 9 May 2019 to allow for increase in parapet heights of the building, change to footprint of building, revised bin store location and size, reduced width of access, revised layout of internal road and parking area, modification to sports pitch layout, change from sprinkler house building to fenced enclosure with tank and sprinkler pump house, alterations to number, size and position of windows and doors, change to design and appearance of external staircase, addition of extract housing to roof, downpipes to side and rear elevations, louvres above windows and bat/bird boxes. Variation to Condition 4 (materials condition) to allow for change to agreed materials and discharge of Condition 10 (boundary treatments).

Applicant:

Mrs B Roles Swansea Council



**Background Information**

**Policies**

**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 - ER2 - Strategic Green Infrastructure Network**

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

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

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

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

**LDP - ER8 - Habitats and Species**

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

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

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

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

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

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

**LDP - 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.

**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.

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**Application Number:**

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**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 - T2 - Active Travel**

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

**LDP - 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 - T1 - Transport Measures and Infrastructure**

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

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2016/3374/RG3	Installation of 2.4m high security fencing (Council Development Regulation 3)	APP	21.12.2016
2016/3693/RG3	New pedestrian access gate (Council Development Regulation 3)	APP	08.02.2017

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Item 3 (Cont'd)	Application Number:	2021/1727/S73
2021/0202/NMA	Non-Material amendment to Planning Permission 2018/2691/RG3 granted 3rd January 2019 to: update the sports pitch layouts, site access points, site boundary fencing locations, bin store location, and revision of school building footprint. Alterations to window and door fenestrations, position and extent of proposed elevation material and the external escape stairs.	WDN 30.06.2021
2021/1720/FUL	Retention and completion of installation of solar panels, access walkway, air conditioning equipment with associated ductwork to the roof.	PCO
ENQ2010/0815	Development possibilities at Tregwyr Infants School, Talbot Street, Gowerton, Swansea	REC

### PROCEDURAL MATTERS

This application is reported to Planning Committee for determination as the development subject of the proposed amendment meets the 'Major' threshold set out in the Council's Constitution.

This report has been written before the close of the consultation period, although the consultation period would be completed prior to the date of the Committee meeting. Any additional submissions or consultation responses received will be reported to Committee via an update sheet.

### 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. No comments had been received at the time this report was written.

### Dwr Cymru/Welsh Water

No response was received at the time this report was prepared



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Application Number:

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### **Natural Resources Wales (NRW)**

Thank you for consulting Natural Resources Wales/Cyfoeth Naturiol Cymru (NRW) on the above application.

We note your authority are seeking our comments on the variation to condition 2 (plans - Change to the footprint of the building) of planning permission 2018/2691/RG3 granted on 9 May 2019. We offer no comments.

We note information regarding the type of bat and bird boxes to be used on site has been provided. We offer no comments.

We note your authority are seeking our comments on the variation of condition 4 (materials) of planning permission 2018/2691/RG3 granted on 9 May 2019. This was not a condition requested by NRW therefore we have no comments.

We note your authority are seeking our comments on the Discharge of condition 10 (boundary treatments) of planning permission 2018/2691/RG3 granted on 9 May 2019. This was not a condition requested by NRW therefore we have no comments.

### **Coal Authority**

The Coal Authority Response: Material Consideration

It is noted that the Coal Authority were consulted on the original planning application (2018/2691/RG3) of which this Section 73 relates to. As a result of the area where development was proposed at that time (development within the Development Low Risk Area only, as defined by the Coal Authority), we raised no objections to the proposal.

As this Section 73 application has not resulted in any changes to where new development is proposed, our previous comments, as per the original application dated 06 March 2019 remain valid and relevant to the decision making process for this current application.

### **Head of Transportation and Engineering**

The proposed bin store has been recessed into the site, whilst the doors open outwards, they do not obstruct passage on the footway fronting. It is not clear how the recessed area will be surfaced but this must be in a suitable material to allow drainage and safe access. The access point at the gates to the car parking area is approximately 4.8m wide which is adequate for two vehicles to pass one another and for emergency access.

There are no highway objections.

### **Ecology Officer**

Specification and location of bird and bat boxes are fine but need to confirm that no artificial lighting will be directed towards them.

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If works to the existing drama block windows are yet to take place, the Reasonable Avoidance Measures Method Statement with regards to bats (Wildwood Ecology, September 2019) must still be adhered to. Should any works be required to the roof or soffits of the drama block (or any other existing buildings on site), then an updated bat assessment will be required.

Please include the following informative:

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

- Deliberately take, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (01792 634960 / 0300 065 3000).

**Tree Officer**

*Initial comments*

It is not clear from the plans if trees will be removed, however it is likely with the installation of the new fencing. The landscape plan does not include any mitigative planting. Clarification is required.

*Further comments*

Concerns are addressed.

**Rights of Way Officer**

No response was received at the time this report was prepared.

**Drainage Officer**

We have reviewed the submitted information and highlight that as a S73 application such as this creates a new planning permission and therefore brings the site within the requirements of Schedule 3 of the Flood and Water Management Act 2010. This may require a radical rethink of the development and substantial changes in layout to accommodate SuDS features.

To progress this application the applicant is required to fully demonstrate the differences between this proposed layout and that previously agreed under 2018/2891/RG3. If the changes in layout are proven to equal to or greater than 100sqm SAB approval will be required. This will require a radical redesign to accommodate above ground SuDS features within the site.

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*Further comments following submission of additional information*

This plan is sufficient to confirm that in this instance as the changes to the original approved planning application are less than 100sqm we will waive the requirement regarding SAB approval and confirm that in this instance we will not require an application to be made and remove our objection to this S73 app.

## **BACKGROUND**

Planning permission was granted on 9 May 2019 for the following works at Ysgol Gyfun Gwyr, Talbot Green, Gowerton, to facilitate an increase in student numbers (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).

The proposed development is located in the south-east corner of the main school grounds. This part of the school grounds previously accommodated a multi use games area (MUGA) and grassed sports pitch/field.

Details relating to the following conditions of the 2018/2691/RG3 planning permission were approved as part of application 2019/2289/DOC on the 8th June 2020; 6 (drainage scheme), 7 (surface water removal scheme), 8 (Tree Protection Plan and Arboricultural Methods Statement) and 9 (Risk Avoidance Method Statement).

Details for condition 4 (materials) of planning permission 2018/2691/RG3 were also agreed under application 2020/0970/DOC on the 26th June 2020.

## **SECTION 73 PROPOSAL**

This current application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the following conditions of Planning Permission 2018/2691/RG3 granted 9 May 2019:

- o Condition 2 (plans) to allow for an increase in the parapet heights of the building, change to footprint of building, revised bin store location and size, reduced width of access, revised layout of internal road and parking area, modification to sports pitch layout, change from sprinkler house building to fenced enclosure with tank and sprinkler pump house, alterations to number, size and position of windows and doors, change to design and appearance of external staircase, addition of extract housing to roof, downpipes to side and rear elevations, louvres above windows and bat/bird boxes;
- o Condition 4 (materials) to allow for change to agreed materials; and
- o Condition 10 (boundary treatments) to allow for discharge of this condition.

The application form states that the development commenced on 1 June 2020. It is clear from a site visit that the works are nearing completion. The S73 application seeks approval of changes which reflect the scheme as built.

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A separate application for full planning permission has been submitted for the installation of solar panels, access walkway, and air conditioning equipment with associated ductwork to the roof of the building (2021/1720/FUL). Officers advised in pre-application discussion that these works fall outside the scope of a S73 application and would need to be determined via a new planning application. The 2021/1720/FUL application is still under consideration.

## **APPRAISAL**

### **Material Planning Considerations**

As a Section 73 application, the only matter which can be considered are the conditions which the application relates to. The parent permission itself is not a matter for consideration. The approval of a Section 73 application effectively grants a new permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission.

As detailed above, planning permission was originally granted in May 2019 for the 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. That scheme was considered to accord with relevant LDP Policies including SI 2 and SI 5. The principle of the development has therefore been established.

The main issues for consideration therefore include the impacts of the proposed changes on visual and residential amenity, trees, ecology and highway safety having regard to Policies 1 (Where Wales Will Grow), 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking) and 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales (the National Development Plan) and Policies PS 1, PS 2, ER 2, ER 6, ER 8, ER 9, ER 11, EU 4, RP 2, RP 3, RP 4, RP 5, T 1, T 2 and T 6 of the Swansea Local Development Plan (LDP) and the Council's Supplementary Planning Guidance documents (SPG): 'The Protection of Trees on Development Sites' (adopted October 2016) and 'Biodiversity and Development' (adopted February 2021).

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

### **Visual Amenity**

Policy PS 2 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.

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The new two storey building was approved with dimensions of 46.9m wide, 19.46m deep with a height of 8.661m. The building design was 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).

Proposed changes to the approved building are outlined below:

- o The application seeks to modify the footprint and height of the building. The width of the building is to be reduced to 46.88m, the depth of the building is to be increased to 19.725m. The parapet height of the main body of the building is to be increased to 10.5m at the front elevation and 9.8 at the rear elevation (an increase of 1.84m at front and 1.1m at rear). The front entrance feature is to be increased to a maximum height of 11.1m (an increase of 1.6m).
- o The plant room single storey projection of the building is to be reduced in width from 6.8m wide to 5.85m wide, the depth of this element is to be increased from 1.65m to 1.8, and the parapet height has increased from approx. 3m to 3.97m (increase of approx. 1m.). The plant room door is to be relocated from the side to the front elevation.
- o The parapet height of the single storey storeroom projection is to be increased from 3.1m to 4.8m (increase of 1.7m). A new door is proposed to the side elevation of this element to service a switch room.
- o The design of the external staircase on the side elevation is to be modified by the addition of a canopy, changes to dimensions, reorientation of the landing and change from railings to enclosed sides. The staircase material is to be galvanised steel.
- o Changes are proposed to the number, size and position of windows and doors. Louvres have been added above windows to the front and rear elevations to satisfy breathing building strategy.
- o Rainwater downpipes are to be added to side and rear elevations, and extract housing to the roof.
- o Ecological enhancements are proposed to be incorporated into the scheme by way of a bird box to the rear elevation and bat box on the west side elevation.
- o The roofing material agreed under 2020/0970/DOC is to be changed from Euroclad Elite Plus 4 Standing Seam system colour Goose Wine Grey RAL 7042 to Alumasc Derbigum roofing membrane colour Mid Grey RAL 7046.

The proposed changes, whilst not minor in nature, do not significantly alter the appearance of the main building. The scale and design of the building as altered by this application 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.

The approved bin store enclosure measured 4.7m deep, 6.8m wide and 2m in height. Under the modified scheme, the enclosure is to be repositioned approximately 1.1m to the north and would be increased in size to measure 4.9m deep, 8.9m wide and 2.4m in height. The enclosure fencing is to be modified from 'Expament dark green' to 'Exmesh Fastrack dark green'. These alterations are considered to be acceptable in visual terms. The proposed fencing materials match that proposed for replacement fencing to the east of the enclosure for which permission is sought under application 2021/0198/FUL (under consideration).

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The approved scheme included a sprinkler housing building, to be located to the north-east of the new building, which measured 10.7m wide, 7m deep and 3.5m high. This application seeks to change this to a fenced enclosure measuring 8.664m wide, 10.039m deep and 2.4m high to accommodate a sprinkler tank (6.2m diameter and 5.5m in height) and a GRP sprinkler pump house measuring 2.4m wide 2.2m deep and 2.5m high. The material specified for the fence is Exmesh Fasttrack (traffic green RAL 6024). The modified scheme has a greater visual impact, due to the increase in height and the sprinkler tank being visible rather than housed within a building. The sprinkler tank, enclosure and pump house are set back approximately 60m from the site boundary and 85m from the highway (Park Road) and would be viewed from the highway against the backdrop of existing school building and the new buildings and structures proposed under this application. In this context and being within an existing school campus, this element of the scheme is considered to be acceptable in visual terms.

With respect to boundary treatments, Condition 10 of the 2018/2691/RG3 planning permission required the submission of full details of the boundary treatments to be erected (including details of the fencing around the three playing areas) to be submitted to and agreed in writing by the Planning Department. Boundary treatment details have been provided as part of this application under consideration.

The submitted details indicate no change for the majority of existing boundary treatments for the application site, with the exception of fencing the vicinity of the new internal road near the bus lay-by. A new 2.4m high Exmesh Fasttrack fence and gates are proposed in this location to match the proposed bin enclosure fencing and the new replacement fencing along the bus lay-by proposed under application 2021/0198/FUL (under consideration). Details have been provided of the fencing around the sports pitches comprising 4m high Twin wire fence for the 3G pitch and 3m high Twin wire fence, both in Traffic Green RAL 6024). The proposed boundary treatments are considered to be acceptable in visual terms.

The width of the access to the site is proposed to be reduced from that approved and gates installed. Modifications are also proposed to the layout of the internal road, turning area and parking area. The MUGA was previously shown as accommodating two pitches. The scheme proposes to modify the layout to accommodate three pitches within same space MUGA footprint. These changes are not considered to be harmful to the visual amenity of the area.

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 of Policy PS 2 of the Local Development Plan.

**Residential Amenity**

The approved scheme was considered to be acceptable in terms of its impact upon the residential amenity of the local residents.

The proposed alterations to the approved scheme are likewise considered to be acceptable in terms of residential amenity impacts. It is acknowledged that the height and footprint of the building has increased from the originally approved scheme, and the sprinkler tank would and bin enclosure would appear larger than previously approved.

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However, the revised scheme is not considered to cause any issues in terms of impact on neighbouring properties by way of overbearance, overshadowing or overlooking, in excess of the previously approved scheme given the position of these works in relation to neighbouring properties.

The original application was accompanied by cross-sectional drawings showing existing and proposed ground levels for two locations within the site. The proposed ground levels at these two parts of the site remain unchanged.

Additional cross-sectional drawings have been provided as part of this Section 73 application which depict the existing and proposed levels for additional locations and show modifications to the levels of the site to provide for the flat pitches and running/long jump track. There is an increase in the level of land within the north/north-east part of the site near residential properties fronting Cecil Road.

The increased land level change range from 1m to 1.7m above existing levels (at the point of maximum change). Whilst these increases in land levels afford views from higher ground towards the Cecil Road properties, there were already views from the site towards these properties given the existing 'open' boundary treatment (palisade fencing) located near this site boundary. The revised scheme is not considered to result in significant overlooking impacts in excess of the original situation.

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 PS 2 of the Local Development Plan.

**Highway Safety**

The application proposes changes to the configuration of the parking and turning areas. The number of parking spaces (16) remains unchanged. The point of access into the site at the junction with the bus bay area remains as originally approved, but the access point has been slightly re-configured resulting in its width being reduced from 11.5m to 9.5m. Gates are proposed to the car parking area and the access road at this point is approximately 4.8m wide.

The Head of Transportation and Engineering advises there are no highways objections.

The Head of Transportation and Engineering further advises that the proposed bin store has been recessed into the site, and that whilst the doors open outwards, they do not obstruct passage on the footway fronting, and that it is not clear how the recessed area will be surfaced but this must be in a suitable material to allow drainage and safe access.

The agent has advised that this area will be finished in tarmac to match the existing footpath and the Head of Transportation and Engineering has confirmed this is acceptable.

In view of the above, the scheme is considered to be acceptable in terms of its impact upon highway safety and complies with the provisions of Policies T 1, T 2 and T 6 of the Local Development Plan.

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### **Ecology**

Ecological information was provided with the original application and the scheme was considered to be acceptable in terms of its impact upon ecology. The proposed alterations to the approved scheme sought under this application are not considered to result in additional ecological impacts.

The amended scheme proposes ecological enhancements in the form of a bat box and bird box on the detached building.

The Council's Ecologist has reviewed the scheme and raises no objections. The Ecologist advises that the specification and location of the bird and bat boxes are acceptable. but confirmation is required that no artificial lighting will be directed towards them. The Ecologist further advises that if works to the existing drama block windows are yet to take place, the Reasonable Avoidance Measures Method Statement with regards to bats (Wildwood Ecology, September 2019) must still be adhered to. These matters can be addressed by condition.

### **Trees**

The proposed alterations to the approved scheme sought by this application are not considered to result in additional impacts on trees. It is noted that tree protection measures were agreed as part of application 2019/2289/DOC to discharge Condition 8 of 2018/2691/RG3. A condition will be imposed on this permission requiring development to be in accordance with these details.

The Council's Tree Officer was consulted on the scheme and initially requested clarification regarding the removal of trees to facilitate the fencing and any mitigation planting. The agent confirms that no trees will be removed. In view of this and that the development will need to accord with tree protection details submitted and agreed as part of 2019/2289/DOC, the Tree Officer advises that his initial concerns have been addressed.

### **Drainage**

The Drainage Officer initially requested further information to demonstrate the differences between the proposed layout and that previously agreed under 2018/2891/RG3, in order to determine whether SAB approval would be required pursuant to the requirements of Schedule 3 of the Flood and Water Management Act 2010. The Drainage Officer advised that if the changes in layout are proven to equal to or greater than 100sqm SAB approval will be required and this will require a radical redesign to accommodate above ground SuDS features within the site.

The agent submitted additional information and the Drainage Officer confirmed that as the changes are less than 100sqm the requirement for SAB approval is waived. The Drainage Officer raises no objection to the application.

It is noted that surface water drainage details have been agreed for the site pursuant to application 2019/2289/DOC approved on 8 June 2020.



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### Conditions

As the granting of a Section 73 would result in a new planning permission it is considered necessary to re-impose the conditions attached to the most recent planning permission (2018/2691/RG3), with modifications as outlined below.

Condition 2 (Plans) will be varied to supersede previously approved plans with those submitted under this scheme.

Condition 3 (Floodlighting) stated:

*Notwithstanding the details shown on 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.*

The referenced drawing included the annotation 'denotes possible location of floodlighting relocated from the existing MUGA'. Condition 3 was imposed to clarify that planning permission is not granted for the floodlighting. Drawing No. GWYR-PDA-01-XX-DR-A-050013 P01 'Proposed Landscape Plan' submitted with this application supersedes this plan and does not contain this annotation. As such, this condition is no longer required.

Details for condition 4 (materials) of planning permission 2018/2691/RG3 were agreed under application 2020/0970/DOC on 26 June 2020. This condition will now be varied to state that the development is to be in accordance with the details submitted as part of this current application.

Condition 5 (bin store doors) stated:

*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.*

This condition was imposed as the drawings submitted with the original application depicted bin store doors opening onto the adjoining footway. The drawings submitted with this application depict outward opening doors however the bin store is repositioned further to the north and the doors would not open onto the footway. As such, this condition is no longer required.

Details for conditions 6 (drainage scheme), 8 (Tree Protection Plan and Arboricultural Methods Statement) and 9 (Risk Avoidance Method Statement) of planning permission 2018/2691/RG3 were agreed under application 2019/2289/DOC on 8 June 2020. These conditions will require variation to state that works are to be implemented in accordance with approved details, and maintained thereafter (where relevant).

Condition 7 required details of a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development to be submitted to and approved in writing by the Local Planning Authority. Details were agreed pursuant to application 2019/2289/DOC on 8 June 2020.

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The condition also required implementation of the surface water removal strategy in accordance with approved details and written confirmation of this being provided to the Local Planning Authority prior to the development being brought into use. Written confirmation has been provided as part of this application, and as such, the condition is no longer required

Details of Condition 10 (Boundary Treatments) have been submitted as part of this application are considered acceptable as discussed in the section of the report pertaining to visual amenity. This condition will therefore be modified to require that the boundary treatments shall be completed in accordance with the submitted details before the development hereby approved is brought into beneficial use and retained as such thereafter.

An additional condition is recommended to require the bat and bird boxes to be installed no later than 6 months from the completion of the development and to be retained as such in perpetuity.

**Conclusion**

In conclusion it is considered that the proposal represents an acceptable form of development. It is considered that the proposed amendments will not have an adverse impact upon the character and appearance of the area, the wider street scene and would not harm residential amenity of neighbouring properties, highway safety, ecology or drainage. Approval is therefore recommended.

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 development shall be carried out in accordance with the following approved plans and documents:

AD028\_PI-SK9 'Former Drama Block- Proposed Floor Plan', YGG-CAP-61-XX-DR-D-0001 P01 'Proposed Drainage Layout', AD028\_PI-SK9 O 'Former Drama Block - As Existing', AD028-SK5 'As Existing Site Sections' and AD028\_PI-SK1 A 'As Existing Site Plan', received 19 December 2018.

AD028\_PISK9 Rev A 'Former Drama Block - As existing', received 3 January 2019.

AD028-SK6 Rev C 'Existing and Proposed Site Sections', received 18 February 2019.

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GWYR-PDA-01-00-DR-A-050002 P07 'Proposed Ground Floor Plan', GWYR-PDA-01-01-DR-A-050003 P07 'Proposed First Floor Plan', GWYR-PDA-01-00-DR-A-050012 P03 'Site Location Plan', GWYR-PDA-01-RF-DR-A-050004 P07 'Proposed Roof Plan', GWYR-PDA-01-XX-DR-A-050013 P01 'Proposed Landscape Plan', GWYR-PDA-01-ZZ-DR-A-050005 P08 'Proposed Elevations', GWYR-PDA-ZZ-00-DR-A-050010 P03 'Proposed Bin Store', and GWYR-PDA-ZZ-00-DR-A-050011 P03 'Proposed Sprinkler Enclosure', received 30 June 2021.

GWYR-CB3-00-XX-DR-C-000015 Rev C01 'Proposed Site Sections Sheet 1 of 2' and GWYR-CB3-00-XX-DR-C-000016 Rev P03 'Proposed Site Sections Sheet 2 of 2', received 1 July 2021.

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

- 2 Development shall be carried out in accordance with the palette of external finishes listed below, as detailed in the following documents:

Drawing No. GWYR-PDA-01-ZZ-VS-A-05-0006 P05 'External materials', Drawing No. GWYR-PDA-ZZ-00-DR-A-050010 P03 'Proposed Bin Store', Drawing No. GWYR-PDA-ZZ-00-DR-A-050011 P03 'Proposed Sprinkler Enclosure', Exmesh Fastrack Fencing Data Sheet and Drawing: FAST/ILLUST Edition A Sheet 1/1 'Stock Fastrack Fencing', received 30 June 2021.

Derbicolour Olivine brochure, Alumasc Building Products Derbigum Roofing Membrane BBA Certificate, Alumasc Roofing Systems Derbigum Olivine Product Datasheet, Technical Data Sheet GRP Sprinkler Pump Housing, and Photograph GRP Sprinkler Pump House and tank, received 5 July 2021.

Documents titled 'Kitchen Extract Housing', Derbigum Built-UP Step in Construction', 'High Security Downpipe System', received 6 July 2021 and information contained in emails from Powell Dobson Architects, received 6 July 2021 and 19 July 2021.

Documents submitted as part of application 2020/0970/DOC: Powell Dobson Architects External Materials document, received 2 June 2020 (excluding roof type), IbStock Bricks document, received 3 June 2020, Domo Sports Grass brochures, received 3 June 2020, Schueco document, received 3 June 2020, Trespa Meteon Cladding documents, received 3 June 2020, Emails from Kier, received 3 June 2020 and 16 June 2020 (excluding details relating to roof, sprinkler house building and bin enclosure):

- o Two Storey Detached Block: Walls - Smooth render colour olive yellow RAL 1020, Vertically hung Eternit Cedral Cladding colour C14 Atlas Brown RGB 1035, Coloured Trespa panels mix of Zinc Yellow RAL 1018, May Green RAL 6018, Himmel Blue RAL 5015, Signal Blue RAL 5005 and Staffordshire Blue Facing Brickwork. Roof - Alumasc Derbigum roofing membrane colour Mid Grey RAL 7046. Steel doors colour RAL 7042. Galvanised External Escape Stair, Schueco FWS50 Curtain Walling and Windows colour RAL 7042. Kitchen Extract Housing Paint BS 632 Dark Admiralty Grey Polyester Powder. High Security Downpipe system- circular profile, 100mm diameter colour RAL7042 traffic grey.
- o Drama Block Windows: White RAL 9006

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- o Sprinkler Tank Enclosure and Pump House: 2.4m above landscape FFL Exmesh Fastrack (Traffic Green RAL 6024), GRP Light Grey Pump House
- o Bin Store: 2.4m landscape FFL Exmesh Fastrack (Traffic Green RAL 6024)
- o Multi Use games area surface: tarmac with a blue coating
- o 2G Pitch: astroturf- Domo Allround Sports grass
- o 3G Pitch: astroturf Domo Varioslide S Pro
- o Hard surfaces for vehicle and pedestrian use, including area between footpath and bin store: tarmacadam, roads lined with pre-cast concrete kerbs

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

- 3 The drainage scheme serving the development shall be implemented in accordance with the details listed below (approved under 2019/2289/DOC granted 8 June 2020) prior to the beneficial use of the development and shall be retained and maintained in perpetuity as approved, unless otherwise agreed in writing by the Local Planning Authority:

- o Drawing No. AD028\_EW-004 A 'Proposed Site Plan' received 3 October 2019;
- o Drawing No. YG-CAP-0500-XX-DR-D-0002 Rev P02 'Drainage Details' received 13 January 2020;
- o Drawing No. YGG-CAP-0500-XX-DR-D-0004 Rev P01 'Bioretention area, Layout, Section and Detail' received 13 January 2020;
- o Drawing No. YGG-CAP-0500-XX-DR-C-0005 Rev P01 'Proposed Drainage Layout around Building' received 13 January 2020;
- o Drawing No. YGGCAP-0500-XX-DR-C-003 Rev P02 'Section 104 Lateral Sewer Adoption' received 13 January 2020;
- o Drawing No. SK01 Rev D 'Proposed Pitch Paths and Longjump Profiles' received 13 January 2020;
- o Drawing No. SK04 Rev D 'Proposed Pitch Drainage' received 13 January 2020;
- o Existing Roof Runoff Flows received 5 March 2020;
- o Drainage Design Report received 27 April 2020;
- o Drawing No. GWYR-CB3-00-XX-DR-C-0004 Rev P01 'Layout Plan Drainage' received 4 May 2020; and
- o Stormwater Calculations received 4 May 2020

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.

- 4 No development or other operations shall take place other than in complete accordance with the following documents (approved under 2019/2289/DOC granted 8 June 2020), unless otherwise agreed in writing by the Local Planning Authority:

- o Tree Protection Plan and Arboricultural Method Statement, Details of Tree Protective Fencing received 3 October 2019
- o Arboricultural Report received 3 October 2019

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The approved tree protection fencing shall be erected prior to any site activity commencing and maintained until the area is to be landscaped.

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

- 5 Development works shall be carried out in accordance with the recommendations contained within the Ecological Impact Assessment Report received 3 October 2019 and Reasonable Avoidance Measures Method Statement received 3 October 2019 (approved under 2019/2289/DOC).

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

- 6 The boundary treatments shall be completed in accordance with the following details, before the developments hereby approved is brought into beneficial use and shall thereafter be retained as such;

Drg: FAST/ILLUST Edition A Sheet 1/1 'Stock Fastrack Fencing', received 30 June 2021; ExMesh Fastrack Fencing Data Sheets, received 30 June 2021; Drawing No. GWYR-PDA-01-XX-DR-A-0500013 P01 'Proposed Landscape Plan', received 30 June 2021; and Twin Mesh Fencing photograph, received 5 July 2021.

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

- 7 Bat and bird boxes are to be installed in accordance with details shown on Drawing No. GWYR-PDA-01-ZZ-DR-A-050005 P08 'Proposed Elevations' (received 30 June 2021) and the document entitled 'Gwyr Bat and Bird Box Information' (received 5 July 2021), no later than 6 months from the completion of the development and shall be retained as such in perpetuity. No artificial lighting shall be directed towards the bat and bird boxes.

Reason: In the interests of ecology and biodiversity enhancement.

### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policies 1, 2 and 9

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: PS 1, PS 2, ER 2, ER 6, ER 8, ER 9, ER 11, EU 4, RP 2, RP 3, RP 4, RP 5, SI 2, SI 5, T 2 and T 6

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 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](http://www.gov.uk/government/organisations/the-coal-authority)

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4 Bats may be present. All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

- Deliberately take, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (01792 634960 / 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](mailto: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:

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

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

Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

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

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Ward:

West Cross - Bay Area

Location:

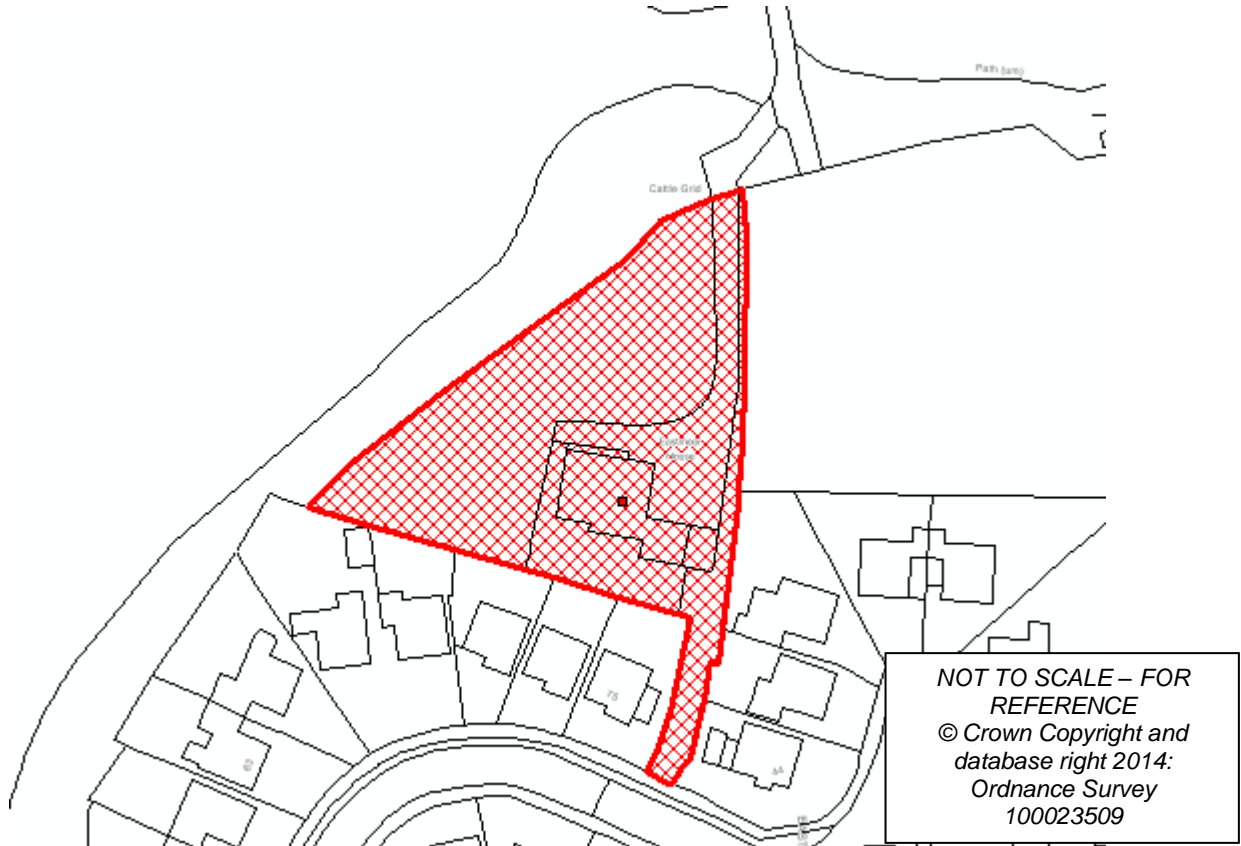
Eastmoor, Clyne Common, Swansea, SA3 3JA

Proposal:

Residential development for up to 4 detached dwellings (outline)

Applicant:

Mrs Julie Hunslow



### Background Information

#### Site History

#### App Number

2015/1493

#### Proposal

Demolition of existing dwelling and construction of 4 detached dwellings (outline)

#### Status

APP

#### Decision Date

14.12.2015



## Planning Committee – 3<sup>rd</sup> August 2021

Item 4 (Cont'd)	Application Number:		2019/1715/OUT
2006/0251	Demolition of existing building and construction of 30 flats in 3 separate blocks, consisting of 16, two bed flats in block A, 4, two bed and 4 one bed flats in block B, 6 two bed flats in block C, 49 surface carparking spaces with associated landscaping and highway works	APP	25.09.2007
2002/1597	Single storey front/side extension to additional ground floor flat (Class C3) (Amendment to planning permission 2001/0578 dated the 12th June 2001)	APP	31.10.2002
2001/0647	Creation of new vehicular access onto Chestnut Avenue and creation of new car parking area	APP	26.07.2001
2001/0578	Provision of one additional ground floor flat (Class C3) and removal of one flat within converted Chapel (Amendment to planning permission A00/0707 granted 4th July 2000)	APP	13.06.2001

### Procedural Matters

This application has been called to Committee at the request of Councillor Des Thomas.

### Background

The planning history for the site is listed above. The most relevant of which is application 2015/1493 which granted outline planning consent for the demolition of the existing dwelling and the construction of 4 detached dwellings on 14th December 2015.

### Description

The application site comprises of a roughly triangular parcel of land and is currently occupied by Eastmoor House which is to be demolished to facilitate the scheme. Access is via an historic access onto Westland Avenue, although it appears that there is also access to the site from Mayals Road. The area is characterised by relatively high density two storey dormer bungalows, two storey dwellings and some single storey bungalows of no definitive architectural style.

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This application seeks outline planning permission for the construction of 4 detached dwellings with all matters reserved for future consideration. Scale parameters have been provided which are as follows:

Width: 6m minimum - 12m maximum

Depth: 7.5 minimum - 12 maximum

Height: 8m minimum - 9.5m maximum

**Planning Policy**

**The National Development Framework: Future Wales - the National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

**Planning Policy Wales (11th Edition) 2021**

**Good Design Making Better Places**

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

**Access and Inclusivity**

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

#### Environmental Sustainability

3.7 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, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

#### Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

#### Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

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## Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

## Car Parking

4.1.49 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.51 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

## Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes.

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There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.<sup>140</sup> In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

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6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

### **Adopted Swansea Local Development Plan (2010-2025)**

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

ER 8 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.

ER 9 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.

ER 11 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.

T1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 5 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.

T 6 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.

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The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

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

RP 4 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.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

**Supplementary Planning Guidance (SPG):**

The supplementary planning guidance documents: 'Infill and Backland Design Guide'; 'City and County of Swansea Parking Standards'; and 'Development and Biodiversity' are also relevant to the determination of this application.

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of the SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

**Background to the current application**

For clarification, this application was first submitted as seeking outline consent for up to 5 detached dwellings. The scheme was then reduced from 5 dwellings to 4 dwellings.

The applicant was advised to submit a tree survey and arboricultural impact assessment and a Preliminary Ecological Appraisal (PEA).

Concerns were also initially raised by the Local Highway Authority in relation to the width of the access. The applicant has submitted land registry documents to indicate that the land outlined in red on the site location plan is in their ownership.

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For clarity and to ensure conciseness, the consultation responses from Dwr Cymru, the Local Highway Authority, the Local Drainage Authority and the Council's Tree Officer are all in response to the revised application (and the one which is being considered) for up to 4 dwellings.

Glamorgan Gwent Archaeological Trust were not re-consulted given their initial response did not raise any issues.

**Consultations**

The application was advertised by site notice and individual neighbour consultation letters.

Scheme for 5 dwellings - 28 objections received which are summarised below:

- o Additional noise from the development
- o No attempt by the applicant to build the properties in line with the rest of the estate
- o The access is less than 4m
- o Large heavy good vehicles and emergency vehicles would not be able to gain access
- o Development would have an impact upon trees and surrounding wildlife
- o Noise and pollution
- o The access from Westland Avenue has never been used as the main access to Eastmoor House
- o Loss of privacy
- o There will be a loss of sunlight to neighbouring properties
- o Dust from the construction phase would have health implications
- o Increase in road traffic
- o Impact on drainage
- o Security of houses will be compromised
- o Parking difficulties will increase
- o A DAS has not been submitted

Scheme for 4 dwellings - 63 objections received which are summarised below:

- o Circumstances remain unchanged from previously
- o The proposed driveway has not been used for many years
- o The pillars at the access are in the ownership of the adjoining properties, not Eastmoor.
- o There will be a significant increase in volume of traffic
- o The original entrance on Mayals Road should be used.
- o Disruption will be caused by construction
- o Not enough room in the plots to accommodate cars
- o Additional traffic will cause an increase in noise, dust and pollution
- o Safety will be compromised if access is taken from Westland Avenue
- o The width of the access is only 3.87 metres
- o Concerns regarding existing trees and habitats
- o Letters have not been sent to residents
- o Drainage is a concern



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

Information in the Historic Environment Record shows no designated and no non-designated historic assets within the proposed development area. Historic mapping searches show the original Eastmoor Park as enclosed fields encroaching the common on the Tithe of 1844, and a house and formal garden on the OS First Edition of 1880, set to the north east of the current proposed development area. The current property is modern in date.

Given our understanding of the current information, it is unlikely that significant or unexpected archaeological deposits would be encountered as a result of the development. We therefore do not make any recommendation for mitigation in this case, and have no archaeological objection to the determination of the application.

### **Council's Planning Ecologist**

#### **OUTCOME OF ECOLOGICAL INVESTIGATION**

Relevant documents reviewed:  
Bat Survey, DK Ecology, 15/9/2020

The following ecological comments apply, together with suggested Conditions for any submitted planning application. Please note that the application is not supported as further ecological, and other information detailed below is required to be submitted before any further assessment and comments can be made.

#### **Preliminary Ecological Appraisal (PEA)**

A PEA is required to be submitted with any planning application. There are records of at least 7 protected species within 100 metres of the proposal site. The site is also immediately adjacent to the Clyne Common and Golf Course Site of Importance for Nature Conservation (SINC).

Therefore, to be able to assess the impact of this development on any protected species and habitats, and to assist the Local Planning Authority with their decision-making and legal obligations, a PEA must be undertaken by a suitably qualified and experienced ecologist with the relevant protected species licenses. This should include an assessment of the potential of the proposal to impact on protected species and determine the need for any further surveys. The PEA must also consider impacts of the proposal on any designated sites. In addition, mitigation measures and ecological enhancement proposals must be included in the PEA.

It is advised that the PEA should follow CIEEM guidelines available at: <https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/>

#### **Bats**

No bats were seen emerging or entering the house or garages during surveys. However, three bat species were recorded during the survey with high levels of bat activity dominated by common pipistrelle.

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Please include the standard Bats informative

Condition:

Pre-construction/site clearance checks for any evidence of bats and nesting birds shall be undertaken by an Ecological Clerk of Works, taking appropriate action if any are located.

Condition

A bat roost assessment shall be undertaken of any trees destined to be felled. Felling shall be undertaken under a Method Statement and supervised by a licensed bat ecologist.

Breeding/nesting birds

Please include the standard Birds informative.

Conditions:

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

Hedgehogs

There are local records of hedgehog. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. As per details contained within section 6.2.2.6. of the report, a number of conditions apply to protect hedgehogs around the site:

Condition:

All trenches and excavations shall be fenced off or covered-over at night to prevent any animals (hedgehogs and other species) 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 shall be checked for trapped wildlife each morning before starting construction activities.

Condition:

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments shall not be flush to the ground, or suitably sized gaps 13 x 13 cm shall be left at strategic points. For more information see <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Landscape Strategy

Native species of trees, shrubs, hedgerows and wildflowers should be planted as part of the wider landscape scheme design of the proposed development, to mitigate loss of habitats for protected species.

The use of native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates.

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This will improve ecological connectivity across the site and with other nearby habitats.

As noted from the Bat survey (sections 4.2.9, 5.4, 5.8 and 7.12), the mature hedges and trees around the site provide connectivity to the wider countryside. They also provide good feeding and commuting opportunities for bats. Every effort should be made to maintain and enhance this boundary vegetation and retain it to protect biodiversity and green infrastructure. The retained hedgerows, trees and shrubs should be buffered from surrounding development, and not incorporated into domestic boundaries.

**Condition:**

A Landscape and Planting Scheme strategy shall be submitted to the LPA for approval, prior to determination. This shall indicate any trees destined for felling, and other vegetation removal, plus mitigation planting proposals and retention of boundary hedges and trees and ongoing management for biodiversity. It shall also include provision of a protective scrub vegetation buffer (minimum 1m wide).

**Lighting strategy**

I note that Sections 7.9, 7.10 and 7.11 of the Bat Report recommends a sensitive lighting design for the proposal.

**Condition:**

Prior to commencement of any works on site, 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 shall be submitted to the LPA for approval. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with light levels only between 2700-3000 kelvin).

The Lighting Plan shall also include the following:

- o Details of the siting and type of external lighting to be used
- o Drawings setting out light spillage in key sensitive areas, in particular to the retained woodland habitat/ proposed buffer planting to the north and east of the development area.
- o Details of lighting to be used both during construction and/or operation
- o Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

**SuDS**

We encourage SuDS in all developments to manage flood risk, surface water drainage and improve water quality, as well as providing amenity and biodiversity benefits.

I advise that the design of the SuDS features shall incorporate the following objectives:

- o Contribute to habitat connectivity and to the delivery of local biodiversity objectives
- o Create diverse, self-sustaining and resilient ecosystems
- o Support and protect local native habitats and species
- o Plant with native marginal and emergent aquatic species and native terrestrial vegetation of local provenance to provide wildlife habitat and visual interest

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Further details of the SuDS proposals are required to be submitted to the LPA with any planning application.

**Green Infrastructure (GI)**

It is important that any existing green space is respected and that existing landscape features be incorporated and enhanced within new housing developments. The spaces around and between buildings and the wider green network are just as important to consider in the design process as the houses themselves. Green space has the potential to enhance local landscape character, protect and enhance local biodiversity and offers opportunities for recreation and for accommodating sustainable urban drainage systems (SUDs).

Early consideration of green infrastructure allows developers to meet many of the statutory requirements within a development scheme whilst benefiting many other social, economic and environmental objectives.

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 LDP policy now requires that compensatory measures should maintain and enhance the green infrastructure network throughout the site.

Therefore, a Green Infrastructure Strategy/assessment outlining the incorporation of GI at all scales (landscape, neighbourhood, local and plot), throughout the site, shall be submitted to the LPA with any application.

**Ecological enhancements**

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks for crevice-dwelling species and bird boxes (for particularly swifts, house sparrows, starling) into the walls of new buildings is required. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species are also desirable, together with hedgehog friendly fencing. Planting up of the retained vegetation to provide connectivity and feeding opportunities for bats is also advised.

A scheme of Ecological Enhancement Measures shall be submitted to the LPA with any planning application. The Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

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Further documentation submitted

The applicant subsequently submitted a PEA as requested. The Council's Ecologist was re-consulted but no response has been received to date. As the PEA and bat survey have both been undertaken by qualified ecologists, their recommendations have been taken into account during the assessment of this application.

**Local Highway Authority**

Previous highway comments have been submitted regarding this application following confirmation that the land ownership boundary is of sufficient width to form a shared driveway of minimum width 4.5m.

This application is in outline only, however there appears to be sufficient space within the site to turn a refuse or fire vehicle and as such they should be able to enter and leave the site in a forward gear.

In line with the Highway Authority standard specification for shared driveways, the dropped footway crossing will be required to be extended from 4.5m to 6.5m to allow for the swing of a large vehicle, any services or apparatus within the area to be hardened will require relocation at the expense of the developer.

The Highway Authority has no objections to the proposals subject to:

1. No development shall be commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage.

2. Car Parking to be provided in line with the Highway Authority's adopted parking standards within the curtilage of each site.

Reason: To prevent any overspill parking on the adopted highway in the interest of highway safety

3. The internal access to be laid out to shared drive standards ( up to 5 dwellings) including a minimum width of 4.5m for its whole length plus a turning head of sufficient size to allow refuse and emergency vehicles to enter and leave the site in a forward gear this must be supported by swept path analysis.

Reason: To prevent any reversing onto the adopted highway in the interest of highway safety.

4. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

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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.

Note:

The development includes the carrying out of work on the adopted highway. You are advised that before undertaking any work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council.

You will be required to pay fees to cover the Council's costs in undertaking the approval and inspection of the works. Contact the Highway Authority's Network Management Team at [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

**Council's Tree Officer**

No objection.

The Applicant has now provided a suitable tree report. It shows the proposed development would not have an adverse impact on the trees.

To ensure the trees are protected in the event of approval please could you append a condition to ensure the TPP is followed.

**Dwr Cymru Welsh Water (DCWW)**

DCWW were consulted on this application and offer no objection subject to the following condition and advisory notes:

Condition

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

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The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

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

**Advisory Notes**

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104

Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

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

**Local Drainage Authority**

Schedule 3, Flood and Water Management Act 2010.

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

From 7 January 2019, all new developments more than 100m<sup>2</sup> 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.

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These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. 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.

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- o Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- o Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- o The SAB also has powers of inspection and enforcement
- o And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m<sup>2</sup> or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website

<https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email [Sab@swansea.gov.uk](mailto:Sab@swansea.gov.uk).

## **Main Issues**

The primary considerations during the determination of this application relate to the principle of residential development in this location, impact of the proposal on residential and visual amenity, highway safety, ecology and trees, having regard to Policies PS2, ER8, ER9, ER11, RP4, RP5, T1, T5, T6 and EU4 of the adopted Local Development Plan. The application is also considered with regards to the Council's Supplementary Planning Guidance document entitled the 'Infill and Backland Design Guide'.

## **Principle of Development**

The site is located within the urban area and is currently occupied by a residential dwelling and a previous consent has been granted on this site for residential development.



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As such, there are no policy reasons why this site cannot be developed for additional residential dwellings, subject to satisfactorily addressing visual and residential amenity implications, ecology and highway safety. The principle of using the site for residential backland development has been established due to the location of the existing dwelling and the previous planning permission.

### **Visual Amenity**

The submitted scale parameters suggest 4 dwellings of comparable footprints to the surrounding residential properties. Furthermore, it is noted that the properties are proposed to be 2 storeys in height, which in light of the character of the surrounding properties would be considered appropriate in this instance. The exact design of the dwellings would be considered at the Reserved Matters stage.

It is considered that the proposed plots are of an appropriate size relative to the proposed dwellings. The indicative site plan shows that the site can accommodate adequate amenity space for all dwellings without appearing as a cramped or contrived form of development.

It is therefore considered that the proposal accords with the provisions of Policy PS2 of the Swansea Local Development Plan.

### **Residential Amenity**

In terms of residential amenity it is not considered that the proposed dwellings would give rise to any overlooking, overbearing or overshadowing impacts. The fenestration detailing could be designed in such a way that the dwellings would not overlook one another or those sited along Westland Avenue. Whilst it is recognised that the properties along Westland Avenue have fairly shallow rear gardens ranging from approximately 7.5m to 9.5m, it is considered that the proposed dwellings to plots 1 and 4 can be sited in such a way that they would not impact the private amenity space of the dwellings along Westland Avenue which has been shown on the submitted indicative site plan.

Whilst it is recognised that the trees along the boundary of the site will shade some of the private amenity space of the proposed dwellings, the indicative site plans still show rear gardens in excess of 10m which is considered adequate.

Therefore it is considered that the proposal would comply with the Policy PS2 of the Swansea Local Development Plan and the guidance contained with the Infill and Backland Design Guide.

### **Ecology**

An initial scoping survey of the property was undertaken by DKEcology in association with Biodiversity Solutions Ltd on the 4th July 2020 with a further scoping survey on the 19th July 2020. The building was generally in good condition with a number of potential access points noted. No evidence of bats using the building was found. No bats were seen to emerge from or enter the building during the surveys.

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A Preliminary Ecological Appraisal (PEA) was also conducted by DKEcology in association with Glaswell Ecology. The PEA determined that no further surveys were required. However it was noted that the boundary hedgerows should be retained, any felling or trimming of trees should be undertaken outside bird nesting season and biodiversity enhancements can be achieved.

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application.

**Trees**

The applicant has submitted a tree report that shows that the proposals will not have an adverse impact upon trees. However, it is considered necessary to impose a condition ensuring that the tree protection plan to which has been submitted is adhered to in addition to providing for a scheme of landscaping.

**Access and Highways**

The Local Highway Authority has not objected to the proposals subject to the access being retained at a minimum of 4.5m wide along its entire length. It has been demonstrated on the submitted plans that the access is at least 4.5m wide and the submitted land registry plans show that the land outlined in red on the site location plan is within the applicant's ownership. It is therefore considered that the proposed access can be achieved and the principle of developing the site is therefore acceptable on its highway impacts.

**Drainage**

It should be noted that surface water drainage would be dealt with via separate legislation through the SuDS Approval Body consent process.

In relation to the disposal of foul water DCWW have stated that they offer no objection in principle and suggest standard conditions and advisory notes.

**Response to public consultation**

The objections received with regard to the access, parking, trees, ecology and land ownership have been addressed in the main body of this report.

**Conclusions**

In conclusion the proposed development is considered to represent a satisfactory form of development that would not conflict with LDP policies. Accordingly approval is recommended.

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;**

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.
- 2 Any 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: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 4 The development shall be carried out in accordance with the following approved plans and documents:  
  
Site location plan and block plan, proposed site plan, proposed emergency vehicle access, received 5th July 2021. Tree report, received 22nd February 2021.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 5 The development shall take place in accordance with the submitted and approved Tree Protection Plan, received 22nd February 2021.  
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area.

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- 6 Any future Reserved Matters application pertaining to this development shall include a scheme of Ecological Enhancement Measures and an Implementation Timetable. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

- 7 Prior to commencement of any works on site, a 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 shall be submitted to the LPA for approval. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with light levels only between 2700-3000 kelvin).

The Lighting Plan shall also include the following:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas, in particular to the retained woodland habitat/ proposed buffer planting to the north and east of the development area.
- Details of lighting to be used both during construction and/or operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

Reason: In the interests of biodiversity.

- 8 No development shall commence, including any works of demolition, until a Construction 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.

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- 9 Prior to the construction of the dwellinghouses a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the dwelling hereby approved is occupied and shall thereafter be retained as such.  
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 10 No development shall commence until details of a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development  
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.
- 11 Prior to the commencement of development of the dwellinghouses, the means of vehicular access (a minimum of 4.5m wide for its whole length) shall be constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.  
Reason: To ensure that the vehicular access point is safe and includes adequate drainage
- 12 The proposed parking area hereby approved/illustrated on the submitted plan shall be:  
(i) porous or permeable; or  
(ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and  
(iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).  
Reason : In the interests of sustainability
- 13 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B or E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), no extensions or external alterations to any dwelling as part of this planning permission shall be undertaken / constructed without the express permission of the Local Planning Authority.  
Reason: In order to control the scale and form of the development in the interest of visual and residential amenity.
- 14 All planting, seeding or turfing comprised in the approved landscaping scheme required by Condition 1 shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the first dwelling or the completion of the development, whichever is the sooner.

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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.

- 15 All reserved matters applications shall be accompanied by details of existing and proposed levels for the development and detailed cross sections to show the relationship of the dwelling to the neighbouring properties. The development shall be implemented in accordance with the approved details.

Reason: To ensure the reserved matters applications are accompanied with sufficient details to assess the merits of the proposals in accordance with LDP Policy PS2.

### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 7 - Delivering affordable homes

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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, ER8, ER9, ER11, T1, T5, T6, EU4, RP4 and RP5.

- 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.

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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- 3 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
  - Take or destroy an egg of any wild bird

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

- 4 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, no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 5 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.
- 6 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
- 7 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit <https://www.swansea.gov.uk/streetnamingnumbering> or contact the Council's Street Naming and Numbering Officer Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

- 8 The development includes the carrying out of work on the adopted highway. You are advised that before undertaking any work on the adopted highway you must enter into a highway agreement under Section 184 of the Highways Act 1980 with the Council.
- 9 All trenches and excavations shall be fenced off or covered-over at night to prevent any animals (hedgehogs and other species) 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 shall be checked for trapped wildlife each morning before starting construction activities

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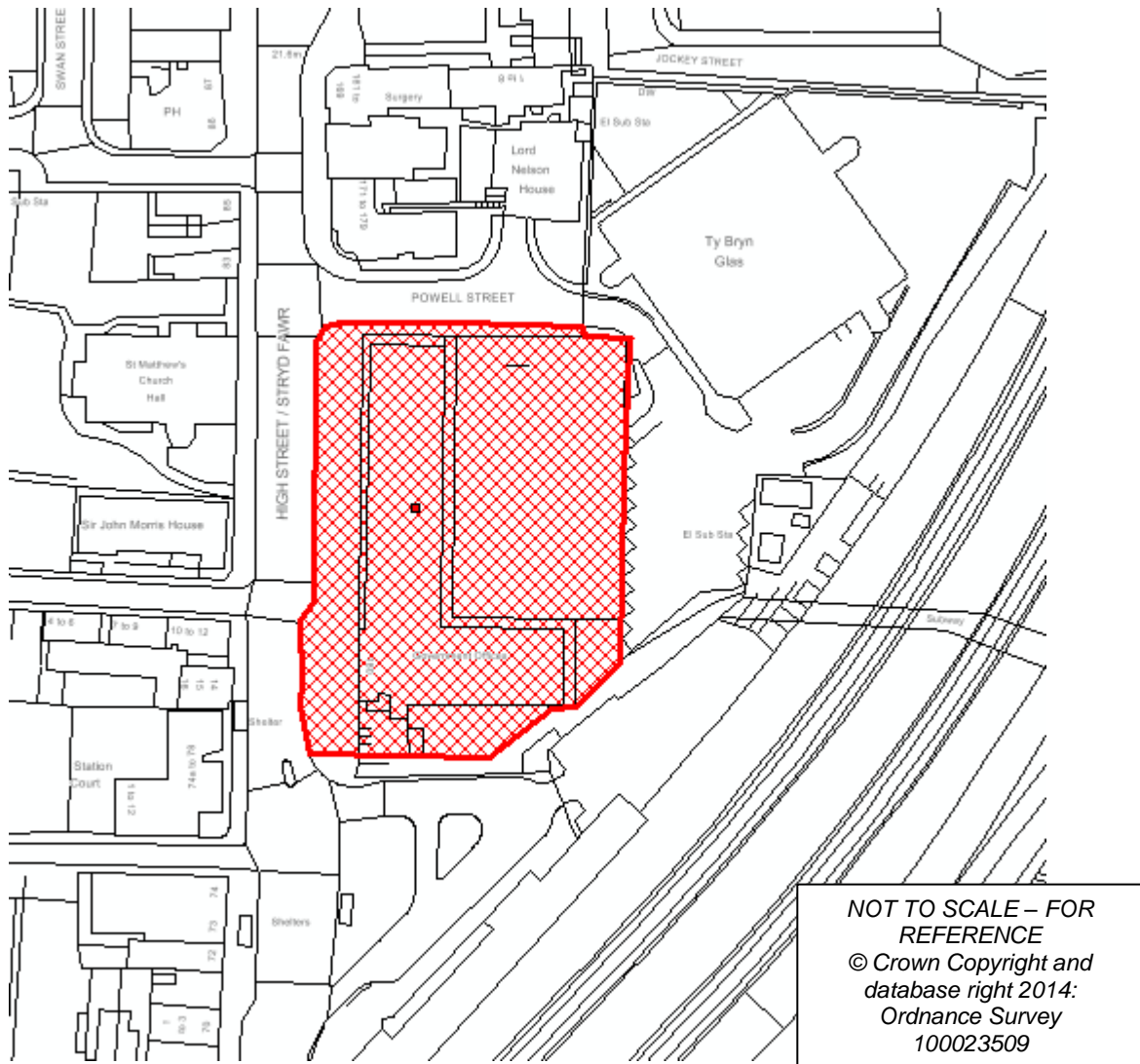
Ward:

Castle - Bay Area

Location: Ty Nant , 180 High Street, Swansea, SA1 1NL

Proposal: Construction of building (demolition already agreed) up to 11 storeys comprising purpose-built managed student accommodation (Unique Use); associated amenity space; cycle and car parking; landscaping; and access from Powell Street

Applicant: Watkin Jones Group





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**Item 5 (Cont'd)**

**Application Number:**

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**Background Information**

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2021/0931/PND	Demolition of Ty Nant, 180 High Street, Swansea, SA1 1NL - six storey office building (application for the Prior Notification of Demolition)	PGRA NT	05.05.2021
2021/0941/SCR	Request for Environmental Impact Assessment Screening Opinion in Relating to Proposed Demolition of existing 6 storey office building (Class B1) and erection of a new building (of up to 11 storeys in height) comprising purpose-built student accommodation (Sui Generis)	EIANR Q	28.04.2021
A01/0279	Erection of rear security fence (consultation in accordance with welsh office circular 37/84)	NOBJ	27.03.2001
99/0115	ERECTION OF THREE HEAT PUMP CONDENSING UNITS ON THE EXTERNAL WALL OF ROOF-TOP PLANT ROOM (CONSULTATION IN ACCORDANCE WITH WELSH OFFICE CIRCULAR 37/84)	NOBJ	05.02.1999
2009/0045	One non illuminated projecting sign and two non illuminated window signs	APP	26.03.2009
2007/0848	Three non illuminated door signs	APP	09.08.2007

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## Procedural

This application is reported to Planning Committee as it is a Major Development and meets the threshold set out in the Council's Constitution.

## Introduction

The planning application is for a purpose built student accommodation (PBSA) by way of the redevelopment of Ty Nant, 180, High Street. The development would involve the construction of a 370 bedspace building ranging from 5 to 11 storeys in height. Associated amenity space, landscaping, improvements to the public realm, and car and cycle parking will also be provided as part of the proposals with vehicular access from Powell Street.

The proposed building will range from 11 storeys in height at the south western corner of the site to 5 storeys in height along the northern boundary of the site. The 370 bedspaces will consist of a mix of student accommodation within cluster flats and studios. The main pedestrian entrance / reception area to the building will be gained at the south western corner of the building from High Street (similar to current position). There will be an area of outdoor amenity space / landscaped courtyard to the rear of the building for students, and additionally the building will accommodate a roof terrace at the northern part of the building providing further outdoor amenity space.

## Access Arrangement and Parking

Vehicular access to the 15 car parking bays and service area will be provided from Powell Street. Servicing will also take place from Powell Street with vehicles reversing into the site as per the existing situation. Additionally, there will be a total of 190 no. secure cycle parking spaces within the lower ground floor area for the students. As with other city centre PBSA developments, the scheme will create a largely car-free development. In order to ensure that students do not utilise the parking places without prior approval, a car parking management / tenancy agreement will prevent students bringing a car to the site, or parking on the site itself.

## Landscaping

The proposal will include the retention of trees along the High Street along with the planting of further trees to enhance the public realm together with sustainable drainage infrastructure. Additional soft landscaping will be introduced at the southern part of the building and also green infrastructure on the roof of the building.

## Application Site and Surroundings

The site is a parcel of land of circa 0.32 hectares of brownfield land to the north of Swansea Train Station. The site is bordered to the west by Swansea High Street, to the north by Powell Street and to the south by a drop off/layby area for the train station. The site is currently occupied by the 6-storey Ty Nant office building (Class B1) although large parts of the building have been vacant for a significant period of time. It is indicated that the building is due to become fully vacant imminently and a Prior Notification application has already been approved in relation to the demolition of the existing building.

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The Grade II Listed Building of St Matthew's Church is approximately 15 metres to the west of the application site (on the opposite side of High Street). The Palace Theatre is also a Grade II Listed Building and is approximately 80 metres to the north of the application site.

The proximity of Swansea train station provides sustainable transport links for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. A regular bus route served by the First Bus Company also runs along High Street and there are good cycle linkages in the vicinity of the site, with a signed cycle route running along Orchard Street and to the city centre. There are also extensive cycle paths in and around the site that run north along the River Tawe and south / south west to the seafront to the main university campus.

High Street remains a key route from the Railway Station towards the retail core of the central core. The Railway Station has had recent investment and enhancement providing a significant point of arrival for visitors and workers arriving by train. Improvements in the built fabric of the area have been stimulated by the Urban Village scheme frontage to High Street, and new infill developments on derelict sites below along The Strand. This has begun to redefine the character the area based on mixed uses including the arts and creative industries, with live/work opportunities for start-up and artisan businesses. Some ground floor space has also been let to new retail and commercial businesses, but more is required to encourage appropriate upper floor residential uses which to generate a new community as well as ground floor commercial occupation. The Urban Quarter development in High Street will further contribute to the regeneration of the area, and planning permissions have been granted for two substantial PBSA developments in close vicinity, namely Mariner Street (Ref:2016/0556 / 2018/1743/S73) and the Oldway Centre (Ref: 2016/1320), the latter is now completed and the former well under construction.

### **Relevant planning history**

An application (ref: 2021/0931/PND) for prior notification of the demolition of the existing building was submitted to the Council in April 2021. The Council's decision was issued on 6th May 2021 and confirmed that prior approval was given for the demolition of the building.

A request for an Environmental Impact Assessment (EIA) Screening Opinion (ref: 2021/0941/SCR) was submitted to the Council in April 2021. The Council's decision was issued on 28th April 2021 confirming that an EIA was not required.

### **Response to Consultations**

The application was advertised on site and in the local press on 7th June, 2021.

### **Pre-application Consultation - PAC**

Additionally, the proposed development was subject to a Pre-application Consultation. The submitted PAC report has outlined the pre-application consultations undertaken.

### **Design Commission for Wales**

Prior to the submission of the planning application and as part of the pre-application discussions, the proposal was subject to presentation to the DCfW on 18th February, 2021 and their report is reiterated below:

#### The Proposals

The proposals are for a new 11 storey building, comprising of purpose-built student accommodation. An existing 6 storey office building will be demolished as part of these proposals. The scheme will provide 370 student bed spaces, alongside associated amenity areas. It will create a new entrance facing Swansea Railway Station along with active street frontages and communal areas. Off-street car parking and cycle parking will be provided in a sheltered and landscaped courtyard are accessed off Powell Street.

#### Main Points

##### Relationship to context

The scheme would benefit from further consideration of the relationship between the proposal and its context. Further analysis of how the proposed development sits within the city centre would help both in understanding the rationale behind providing student accommodation on this particular site, and how the building itself relates to its immediate surroundings. This is also relevant in relation to the city's planning policies and enabling the project team to further justify the change of use from office to student accommodation.

##### Future-proofing the proposal

The project involves the demolition of a building that is no longer considered fit for purpose. In order to avoid such a scenario in future, it is worth exploring how the proposal's design could be adapted to accommodate a potential change of use within its lifespan. The design team highlighted that the floor-to-floor height of the current proposals would not be sufficient for an office environment. However, the Panel would encourage the design team to explore the potential for flexibility within the building design in order to accommodate for alternative future uses.

##### Active Frontages

The scheme would benefit from further exploration of the opportunities to create active frontages for the building. It is also of key importance that the design of ground floor bedrooms is developed in a way which priorities inhabitant wellbeing, privacy, and security.

It would be beneficial if further design exploration work were to look at the detailing of a well-integrated, sensitively designed defensible edge to the ground floor bedrooms.

##### Amenity spaces

The internal amenity spaces would benefit from further design development, particularly regarding the opportunity they present for animating and activating the street frontage at ground level.

##### Massing

Exploring different massing solutions that could accommodate the project's schedule of accommodation on site could be beneficial to the project.

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A more in-depth analysis of the immediate urban context would help inform the proposals and could help the Design Team to be confident that this massing solution is the most suitable. Wind studies may further inform the building massing.

Further massing exploration could also result in the proposal better integrating into the surrounding townscape. These massing studies would also be beneficial in future planning documents.

It is also worth exploring the potential future linking to the back of Swansea Railway Station, as an urban design exercise for the future.

**Acoustics**

Due to the site's location near the train station, it is of key importance that a detailed acoustics strategy is developed for the proposal.

**Lighting**

The scheme would benefit from the development of an exterior lighting strategy which would focus on security and safety for the students.

**External Spaces**

It is important that the courtyard is developed to have a greater relationship with the interior of the building and surrounding environment.

The orientation and shadowing of the external courtyard space and lack of sunlit spaces would benefit from further design exploration. More covered space within the courtyard would enable a greater flexibility of use both during inclement weather and during the evening.

The scheme would benefit from further development of the design of the rooftop terrace.

**CADW -**

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

Scheduled Monuments

- GM012 Swansea Castle
- GM315 Earthwork on Kilvey Hill
- GM392 Morfa Bridge and Quays
- GM441 Original Swansea Castle
- GM481 White Rock Copper Works
- GM482 Foxhole River Staithes
- GM483 Hafod Copper Works Musgrave Engine and Rolls

Registered Parks and Gardens

- PGW (Gm) 48(SWA) Cwmdonkin Park (grade II)
- PGW (Gm) 55(SWA) St. James's Gardens and Crescent (grade II)
- PGW (Gm) 61(SWA) Victoria Park (grade I)

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This planning application is for the erection of a building of up to 11 storeys in height comprising purpose built managed-student accommodation (sui generis); associated amenity space; cycle and car parking at Ty Nant, 180 High Street, Swansea. The above designated historic assets are located inside 2km of the proposed development. In most cases views between the proposed development and the designated historic assets are blocked by topography and existing buildings. Where views are possible the proposed development will be seen as part of the existing urban landscape of Swansea. Consequently the proposed development will not have an impact on the setting of any of these designated historic assets.

**Council's Drainage Engineer -**

We have reviewed the updated Drainage Strategy submitted for planning and many of the concerns surrounding the incorporation of green infrastructure as part of city centre policies and SuDS requirements have been considered.

We also confirm that a full SAB application has now been received under reference 2021/0044/SFA for full consideration.

**Dwr Cymru Welsh Water -**

As part of our pre-application consultation response, we advised that foul water flows can be accommodated within the public sewerage system but only at a specified point of connection, given the strategic nature of the adjacent brickwork combined public sewer. Our records also indicate that the proposed development site is crossed by a 12" combined public sewer albeit as part of discussions with Jubb, which are reflected in the accompanying 'Drainage Strategy' (Technical Note 01), it appears the sewer may be non-operational and accordingly we have advised that the asset may need to be capped off and removed albeit subject to further on-site investigations. Nonetheless, we recommend a condition to ensure the asset is safeguarded during construction and for the lifetime of the development.

However, whilst we acknowledge there are ongoing discussions with the SAB, at this stage we would advise there is no agreement to communicate surface water flows to the public sewerage system. The 'Drainage Strategy' (Technical Note 01) refers to investigations into soakaway system which should be prioritised over a connection to the public sewerage system, along with alternative surface water destinations including surface water bodies as well as public surface waters sewers and highway drains. In addition, we advised that a hydraulic modelling assessment (HMA) of the public watermains network will be necessary in order to establish an adequate potable water supply to the development.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Conditions 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.

**Natural Resources Wales -**

We have no objection to the proposed development as submitted and provide the following advice.

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European Protected Species - Bats

We welcome the submission of the updated 'Ecological Impact Assessment' by Bowlands Ecology, dated 18 May 2021 which include details of a bat re-entry survey carried out of the building. We note no bats were present and the survey submitted is suitable. We therefore have no further comments to make on the application as submitted.

**Council's Planning Ecologist -**

Has reviewed the submitted documents:

- o Ecological Impact Assessment (EclA), Bowland Ecology March 2021;
- o Ecological Management Plan, Bowland Ecology May 2021;
- o Landscape Proposals, TPM Landscape January 2021;
- o Landscape Roof Plan, TPM Landscape May 2021; and
- o Landscape Layout, TPM Landscape January 2021.

Conditions are recommended in respect of pollution prevention measures; landscaping incorporating planting of native species of local/Welsh provenance; lighting strategy; bat survey prior to demolition; protection during bird breeding/nesting season; hedgehog protection; The Ecological Management Plan detailing ecological enhancements, including green roofs, bat boxes, bird boxes and insect/bee bricks. The design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

**CCS Arboriculturalist**

The trees removed to facilitate the development are mitigated within the landscape scheme. Details of species, planting etc. will be required but can be conditioned in a detailed landscape scheme. No objection.

**Designing Out Crime Officer -**

I would have the following observations to make, taking into consideration the location of this proposed development, and crime and anti-social behaviour in the area:-

(i). Perimeter security.

The rear and side of the student accommodation site must be protected by fencing/walls/railings and gates at least 2 metres high. They must be robust and designed so they are difficult to climb over in order to prevent unlawful persons getting up to the student accommodation.

Gates giving access to the site must be the same height as the adjacent perimeter security. Any gates must have access control fitted except for gates that are for use in an emergency, e.g. a fire. I am happy for these gates not to have access control fitted. The devices fitted to open these gates, e.g. push bars, must be protected to prevent them from being opened by persons unlawfully.

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It is important to prevent persons, other than residents, getting up to the sides and rear of the building, and the windows of rooms/bedrooms occupied by the young people. Fencing/railings and gates should meet the Secured by Design standard LPS 1175 SR1 or equivalent.

(ii). Lighting.

The student accommodation site, especially the main entrances, public circulation areas, the vehicle parking bays, cycle stores and bin stores must be lit, during the hours of darkness. The corridors and entrances into the accommodation block must be lit when in use. Lighting must be controlled by photo electric cells or time switches and complement and enhance CCTV e.g. metal halide.

(iii). Vehicle parking areas.

Access into the vehicle parking area must be controlled by gates that meet the standard LPS 1175 SR 1 and that have access control fitted, due to the closeness of this development to the city centre and the area the development is in. All vehicle parking bays should be overlooked by rooms in the accommodation. The parking area must be protected by CCTV and lighting that is effective. Lighting in the parking area should meet the British Standard 5489.

(iv). Bicycle stores.

Bicycle stores with individual stands for securing bicycles, must be secure and have access control fitted. The stores must be lit when in use during the hours of darkness and should be protected by CCTV.

(v). Landscaping.

The planting of trees and shrubs will be supported. Planting must not impede the opportunity of natural surveillance and must avoid the creation of hiding places. All planting must be low level. Shrubs should have a mature growth height of 1 metre and trees should be bare stemmed to a height of 2 metres from the ground. Trees must not be positioned to act as climbing aids. They must not obscure any lighting or CCTV or be adjacent to the building or the perimeter security. Trees must not obscure doors and windows.

(vi). Bin storage.

The bin stores must be secure areas and ideally sited away from the accommodation. They should be protected by doors/gates that meet Secured by Design standards and they must have access control fitted.

(vii). CCTV.

CCTV must be installed on site. It must protect the entrances onto site, entrances into the student accommodation, public circulation areas, vehicle parking areas, and bike and bin stores. Consideration must be given to monitoring the CCTV by staff on site. Evidence obtained must be admissible in a court of law and the General Data Protection Regulations (GDPR) must be complied with.

Advice is also given in respect of signage; drainpipes; door and window security; bedroom clusters; access control and site management plan and Secured by Design Award.

**CCS Commercial Waste / Recycling -**

Our view with PBSA is that technically the students are allowed a collection of their household waste and recycling, in the same way as if they were renting rooms in a HMO.



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We will only offer a non-chargeable collection service based on the volume of waste / wheel bins that can be collected once per fortnight. Swansea Council operate a once per fortnight collection of household waste. Any waste collected over and above the fortnightly allowance is chargeable.

Furthermore, all Welsh Local authorities have a statutory recycling target of 64%, increasing to 70% by 2025. Therefore all developments are expected to recycle two-thirds of the waste generated We would only supply wheel bins on a ratio of 1 x general waste : 2 x recycling bins Any general waste collected over and above the once per fortnight visit is currently charged at the commercial rate applicable at the time.

Domestic collections can only accommodate fortnightly collections of recycling. They are not able to make multiple visits to any individual site. All agreements for Swansea Council to manage the collection of waste and recycling from a PBSA is subject to site visits prior to any commencement of collections.

**Highway Authority-**

1. Introduction

The proposals are for the construction of a 370 bedroom purpose-built development of student accommodation. The site is located on High Street Swansea, occupying the former HMRC building.

A Statutory Pre-Application Consultation has taken place, this was not received by Highway Development Control and as such no comments submitted. Highway comments were provided to the non-statutory Pre Application ref 2019/2708/Pre which sought pre application advice for 273 beds.

2. Location

The site is within the City Centre area, but not within the currently defined city centre core, on High Street North of Swansea Central Station.

The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having good access to bus and train services, and is considered to be sustainably located in terms of transport and therefore suitable for the proposed use.

3. Trip Generation and Parking

The application is supported by a Transport Statement that examines the impact of the proposals on the highway network and concludes, through assessment of the trip generation and distribution, that daily trips generated will be a significant reduction in vehicle trips reduced from 673 2 way per day for the existing use to 163 for the proposed.

In the peak hours this equates to a reduction from 122 to 12 in the AM and 105 to 16 in the PM.

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Pedestrian trips increase from 391 to 978 daily. The analysis has been verified and thought to be correct. As such the development will result in a significant reduction in vehicular traffic over the existing consented use, and will have a positive effect on the surrounding vehicular highway network.

The adopted Parking Standards SPG confirms that up to one car parking space per 25 beds may be provided for operational use, there is no requirement for visitor parking. The applicant has proposed 15 parking spaces which accords with the SPG. Lower standards for student accommodation are predicated on the provision on further measures to restrict car use. The further reinforce this students will be required to be prevented from bringing cars to the site via Tenancy Agreement, this will need to be secured via s106. Given the location there is extremely limited opportunity for indiscriminate parking.

Cycle parking should be provided at one cycle parking space be provided per 2 beds for this form of development (a minimum of 189 spaces for 378 beds). The development has proposed 190, which is in line with the SPG requirements.

It is expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and provision of cycle parking, enhanced as may be required, to respond to any identified demand/shortfall.

**4. Public Realm Enhancement**

It is nonetheless noted that the introduction of circa 378 residents (plus staff, and visitors) who will be largely reliant on walking, cycling and public transport for daily journeys will put a not insignificant additional amount of pedestrian traffic onto the adjacent footways.

To this end the applicant has proposed an enhancement scheme to the High Street frontage which would construct a shared use footway/cycleway, which would be dedicated as public highway.

These Highway Works should be delivered under a section 278 agreement with the Local Highway Authority.

As referenced in the Pre Application comments there is also the requirement to link this new infrastructure to existing provision to the North and South of the development site, initial thoughts are that a raised junction treatment should be provided across Powell St, and the route continued through the current taxi and drop off area to the station to the South, where it can pick up the existing route on Alexandra Road, these enhancements are thought to be in the region of £35k and should be secured via section 106 contribution.

**5. Servicing**

All servicing is proposed to take place from Powell Street, bin stores will be accessed directly from the rear of the building. Swept path analysis has been provided which demonstrate that service vehicles can adequately access and egress. A waste management plan has been provided.

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The exception to the above is vehicle trips that are likely to be generated at the start and end of term, when student residents are generally dropped off/collected by car. However as identified in the submitted management plan this will be controlled to ensure it does not have an adverse impact on the highway.

Travel Plan

A comprehensive framework Travel Plan has been provided detailing measures to maximise travel by sustainable means, with a commitment to appoint a travel plan coordinator, and monitor for 5 years post first occupation. The suggested targets are considered appropriate, the terms and method of that baseline surveys must be agreed with the Local Authority. The applicant should also include potential amelioration measures if during monitoring targets are not being met.

A travel plan condition will be required for the submission of the final travel plan and to ensure adherence to the agreed plan.

6. Conclusions

Given the sustainable location of the site and compliance with parking policy highways has no objection to the proposals subject to acceptance of the section 106 requirements listed above.

The following conditions are requested:

- i. Highway Works: No part of the development hereby permitted shall be commenced until a scheme of public realm improvement works to the footways adjacent to the site on High Street, has been submitted to and approval in writing by the LPA.

All external highway works and improvements including a minimum 3m shared use footway/cycleway: to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme.

The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: To ensure the reinstatement of the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.

Note: Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out. Please contact the Highway Authority's Network Management Team at [networkmanagment@swansea.gov.uk](mailto:networkmanagment@swansea.gov.uk) , allowing sufficient time for preparation and signing the agreement.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. All design and implementation will be at the expense of the developer.

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- ii. The Section 106 to include details of the management plan. The document should make specific reference to general day to day management as well as the pick up and drop off arrangements at the beginning and end of term which have the potential to bring more vehicles than can be accommodated at once.
- iii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
- v. That the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing. This should be based on the interim Travel Plan submitted with the application and include an 5 period of monitoring at the Developer's expense with the results to be submitted to the LPA.
- vi. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

Note: The site benefits from an existing access point to the public highway, and as such works could commence prior to formal highway agreement.

- vii. The development should be occupied by registered students only, in the interests of highway safety.
- viii. A section 106 contribution of £35k to enable the enhanced public realm to link into existing facilities to the North and South of the development site.

**Placemaking and Strategic Planning Team -**

Overview

This is a full planning application for the construction of an up to 11 storey building of purpose-built student accommodation (PBSA) comprising approximately 370 student bedspaces; associated amenity space; cycle and car parking; landscaping; and access from Powell Street. Prior approval for the demolition of the existing building was granted on 5th May 2021. The site forms a gateway building to the city located immediately north of the train station.

Principle of Development

The site is located within the Swansea Central Area, defined by LDP Strategic Policy SD J, and adjacent to the railway station and close to the main services and facilities in the City Centre. The provision of PBSA within the Central Area is encouraged by the LDP (Policies RC 1 and H 11), subject to careful consideration of amenity impacts.

The current use of the land is for office use. LDP Policy (PS 4 and RC 10) protects land and premises in active, viable employment use (such as B1 office use) as part of the County's employment land bank. Policy RC 11 states that a change to non- B uses will only be permitted where it can be demonstrated that:

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- o the existing use is no longer viable or appropriate at the proposed location;
- o there is no need to retain the premises for the existing use having regard to existing and likely future market demand and the requirement to provide a range and choice of employment sites;
- o there would be no unacceptable impacts on neighbouring uses;
- o and there are no sequentially preferable sites available.

In support of this sustainable employment strategy and to support the regeneration of the City Centre, Policy RC 12 states that the alternative use of offices within the Swansea Central Area will only be permitted where the developer can demonstrate that there is no need to retain the site or premises for office use having regard to existing supply and the requirement to provide a range and choice of sites for such use to meet existing and likely future demand. The type of evidence required to justify such a change of use will vary depending on the circumstances but may include details of why the land/premises is no longer in use; evidence to show that reasonable efforts have been made to market it for sale or lease for its existing use for at least 12 months; and information to show that the advertised rental and lease terms have been reasonable considering the local market conditions and property condition.

The applicant has submitted a detailed report by Savills addressing this issue. The report sets out that marketing of vacant space has taken place since 2014 and that limited interest and viewings have been received. In that period, the report states that only one new occupier has taken up space on a limited 6 month contract in a small part of the available space. The report states that brochures, boards, banners, press and web advertising have been used to market through two recognised agents. It states that the offices are low standard and require significant refurbishment likely to cost in excess of £4million (excluding loss of income from void periods). The building layout and low ceilings, it is argued, make it unattractive to occupiers, while the rents required to make refurbishment viable would be at the top end of rental levels in Swansea and unlikely to be achieved as a result. The report concludes that the low demand and rent levels mean that there is little encouragement for landlords to speculatively develop or substantially refurbish offices in this area while it could take in excess of 24 months to let the whole or a substantial part during which time void costs of rates, buildings insurance and service charge would need to be met. The report analyses the extant of vacant office space available and future development in the pipeline and considers this will provide modern accommodation that will be more attractive to companies seeking accommodation in the Central Area and which they argue is sufficient to meet demand. The report concludes that there is no need to retain the use to meet identified demand, and that speculative development/refurbishment of offices is not seen as viable to developers at this location due to the factors set out.

In terms of the sequentially preferable location for PBSA, policy H 11 sets out that proposals for PBSA should be located within the Swansea Central Area. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability. The site is located inside the Central Area boundary. Policy SD J allocates the Central Area for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance.

Policy SD J identifies placemaking principles for the distinct areas identified on the Concept Plan including the High Street complementary area in which this site is situated. Within this High street complementary area, Policy SD J states that developments will be expected to:

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- o Redevelop the Mariner Street Car Park for high density city living and to improve the sense of arrival at Swansea Railway Station.
- o Deliver improvements to Alexandra House / Oldway House to upgrade the appearance and accommodate more active uses at ground floor.
- o Prioritise the re-use of the listed Palace Theatre as a catalyst project on the Upper High Street

Policy RC 4 provides further on the Complementary Areas. It states that development that delivers an appropriate mix of uses will be permitted in accordance with the particular functions and opportunities for regeneration and renewal at each location. Of relevance within this Complementary Area, Policy RC 4 states that development should contribute to the regeneration of High Street as a mixed residential, cultural and commercial area of distinctive character, and help to revitalise this key link between the rail station and the Retail Centre. Development must make positive use of the defining attributes of the respective Complementary Areas, enhance connections to the Retail Centre, and complement rather than compete with the role and function of the Retail Centre and other Complementary Areas.

The adopted Swansea Central Area Regeneration Framework (SCARF 2016) provides more detailed concept plans for the Complementary Areas identified in the LDP. The SCARF document is not SPG, but is a Council endorsed strategy document that contains general principles that remain relevant going forward to inform the Council's approach to regeneration and decision making. The SCARF contains an indicative concept plan for the High Street and this proposal is located in an area annotated as the High Street Gateway. The SPG sets out design principals for this area, the relevant ones being to:

- o Ensure that all developments along High Street include active frontages to bring vitality to the street;
- o Individual buildings of an appropriate scale reflecting the existing pattern of development;
- o Substantially increase green space within the area through enhanced public realm, widened pavements, courtyards and 'green architecture';
- o Promote the use of high quality materials and workmanship and design which requires less maintenance without sacrificing quality.

The Tall Buildings SPG sets out zones of the city where tall buildings will be welcomed or considered and this site falls within a consider zone. The Consider Zones are identified in the SPG as those areas of the City where well designed tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals.

The proposed use has potential to help achieve the objective of the policy to facilitate the regeneration of this Central Area Complementary district, but careful consideration will be required of other key planning matters including placemaking, the design of the building, and green infrastructure (GI) which are considered below.

Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate. Future Wales Policy 2 sets out that:

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- o development should adhere to the defined placemaking principles in order that they positively contribute towards building sustainable places that support well-being objectives,
- o opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- o all proposals should be assessed having regard to the defined placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- o development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- o the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- o development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

Having regard to the importance of proposals addressing key placemaking and GI principles, the following highlights specific comments from the Placemaking and Heritage Team:

The site comprises a six storey office building located on the eastern side of High Street. The site slopes from west to east with the existing 1980's office building sitting below pavement level. The existing building is a prominent 'L' shaped building with main frontage onto High Street and car parking area screened from High Street by the building mass. The surrounding area is mixed in character and use, with residential accommodation to the north, university buildings and the train station to the east and south and a mix of uses on the opposite side of High Street, including the Grade II Listed St Matthew's Church plus grade II listed Palace Theatre within 100m and visible within the streetscene setting to the north of the site.

The proposal seeks the demolition (already agreed) of the existing six storey building and construction of a PBSA building of up to 11 storeys (ranging from 5 to 11 storeys), associated amenity space; cycle and car parking; landscaping; and access from Powell Street. The proposal has been subject to comprehensive pre-applications discussions with ongoing dialogue commencing back in November 2019 (ref: 2019/2708/PRE). The proposal was also presented to Design Commission for Wales on 18th February 2021.

The site forms a fundamental gateway building to the city located immediately north of the train station. As a tall building, there is a particular emphasis on architectural quality, skyline, active and vibrant frontage to High Street and public realm.

The Placemaking agenda for the city centre is set out in the SCARF document which seeks to extend the positive mixed-use regeneration of the lower High Street into the Upper High Street area. This is further supported by current post COVID work looking at further repurposing the city centre. The current office building has been underutilised for well over a decade despite the proximity to the train station. The site is located in a highly sustainable location with access to the train station located adjacent to the site.

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A regular bus route also passes the site and there are good cycle linkages in the vicinity of the site, with a signed cycle route running along Orchard Street and to the city centre. There are also extensive cycle paths in and around the site that run north along the River Tawe and south / south west to the seafront to the main university campus.

The proposal has evolved significantly since the initial pre-app discussions which focussed on the conversion of the existing building. The proposal, which now seeks the construction of a new building (demolition already agreed), gives greater flexibility in terms of the new building scale, form and massing as well as how the ground floor relates to the adjoining public realm.

Land Uses

The Upper High Street is a mixed-use area and within this context, the proposal is for 370 student bedrooms with an active frontage ground floor communal area. The proposed student accommodation will increase vibrancy and footfall on the upper High Street, north of Swansea train station, and has potential to encourage revitalisation of adjacent commercial frontages. The use of the building as home for circa 370 students will also create local demand for supporting facilities such as cafes, local food etc.

The ground floor High Street facing façade includes expansive full height glazing, and approach which is welcomed to provide natural surveillance and good active frontage to enliven the public realm for passing footfall. This is in accordance with the Tall Building SPG and SCARF regeneration framework.

Scale form and massing

The main requirement for tall buildings is for the massing to be slender and elegant and not monolithic in appearance. The proposal has evolved significantly since the initial pre-application submission and now proposes the construction of a new building stepping from 5 to 11 storeys, with the main tower forming the SW corner. The DAS sets out the design evolution including increasing ground floor ceiling heights, mitigating any harm to the opposite listed building and responding positively to the streetscene and wider viewpoints.

The DAS notes that the existing building footprint has been used as a baseline for further development. The proposed massing, fundamentally achieved by splitting the building into four distinct forms, avoids an overbearing effect on High Street and the stepping form and architectural treatment address the requirement for a slender and elegant form to the SW corner that highlights the entrance in close proximity to the train station and emphasises the station as a key gateway point in the city and adds to the cluster of tall buildings around the train station (including Oldway House, Mariner Street student accommodation under construction with 16 storey tower and consented Jockey Street student accommodation for up to 12 stories). The building steps down to 5 storeys to Powell Street to respect the scale of the existing residential block opposite. It is considered that the massing and overall composition of the building accords with the tall buildings SPG.

Heritage

There are several listed buildings with 500m of the site. Pre-agreed viewpoints have been presented in the supporting Heritage Impact Assessment. The derelict grade II listed Palace Theatre lies approx. 75m to the north of the site with the part three storey/part four storey residential flats visually separating the site. The main focus of this derelict theatre building is the southern 'point' which terminates views looking north along High Street.



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It is noted has potential to experience an indirect change as a result of the proposed development due to short and medium ranging views from south of the application site (viewpoint 01 in supporting HIA). The proposal will be visible from outside the rotunda entrance to the Palace Theatre (viewpoint 05, HIA) as well as vantage points north of the Palace Theatre looking south down High Street (viewpoint 02 in HIA). Whilst adding additional height and scale to the site it is not considered to detract from the architectural or historic interest of the heritage asset. The presence of 370 additional students in the area will likely assist the success of the Palace regeneration project.

The grade II listed St Matthews Church (grade II listed) lies directly opposite the site on the other side of High Street. The HIA contains viewpoint 03 - looking east from open space to the rear of St Matthew's Church, and viewpoint 06 - looking east from the entrance of St Matthew's Church. Whilst there will be a perceived increase in scale/height when viewed from these vantage points it is not considered acceptable in an urban context and is not considered to detract from or diminish the intrinsic values of, or experience of, the heritage asset.

The grade II Bethesda Chapel lies approx. 140m to the north of the site. There is no intervisibility between this listed building and the site therefore there are no heritage effects in this instance. Similarly, the grade II\* listed Ebenezer Chapel lies 60m to the west with intervening built form and minimal visual relationship. The proposal is viewed as acceptable in this urban context. It is approx. 250m to the closest point of the Alexandra Road Conservation Area which comprises a significant cluster of Listed Buildings including the Glynn Vivian Art Gallery. There is no indivisibility between this heritage grouping and the site.

There are a number of scheduled ancient monuments within 2km of the site including Swansea Castle, Foxhall River Staithes, White Rock Copperworks, Earthworks on Kilvey Hill, Morfa Bridge and Quays, Original Swansea Castle and Hafod Copper Works Musgrave Engine and Rols. It is noted that Cadw's response concludes that in most cases views between the proposed development and the designated heritage assets are blocked by topography and existing buildings. Where views are possible the proposed development will be seen as part of the existing urban landscape and consequently the proposed development will not have an impact on the setting of any of these designated historic assets.

Transport, Movement/ Active Travel

The site lies directly to the north of the rail station and alongside bus stops on High Street, and therefore forms a highly accessible site for walking, cycling and public transport. The development will also create important active frontage on High Street which provides an attractive aspect and natural surveillance of the pedestrian route linking upper and lower High Street and the wider city centre.

Green Infrastructure

In line with both national and local policy, a GI Strategy has been prepared for the site to address how the proposal complies with and adds value to the regeneration of High Street. Amendments have been in order to meet the city centre green infrastructure strategy which has been prepared as a key element of city regeneration. Through the inclusion of permeable paving, green roof, rain garden, biodiverse planting and landscaping and now achieves a GSF of 0.49. The GI Strategy also informs the SuDS requirements and design for city centre developments. The DAS landscape design indicates rain gardens on the High Street frontage but no details have been included in the updated Drainage Strategy.

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The feasibility of the rain gardens including street trees will need to be controlled via condition. In addition, there is no sectional detail confirming that the extensive green roof areas have sufficient depth to achieve the relevant scoring for substrate of 60-80mm. This therefore needs to be ensured via condition.

Public realm

The proposal allows for the ground floor level to be re-set in addition to improved floor-to-ceiling heights which assists in a far improved interface and relationship between the building and streetscene. The ground floor active frontage includes expansive full height glazing that enables views through visually linking public street with the landscaped courtyard space. The main entrance to the building is taken from the SW corner off High Street where level access will be provided. This location is viewed to be legible with direct access southwards to the train station and wider connectivity along High Street to the city centre. The previously blank wall the management B.O.H, adjacent to the main entrance, includes windows to provide active frontage/glazing for security and student safety. In order to help revitalise the upper High Street, and as discussed throughout the course of the pre-app, it would have been beneficial to include a second entrance to the northern end of the building, however this has not been included in the final design.

To the south of the building directly opposite the train station the space around the entrance to the building includes planting including new trees. The entrance is highlighted through high quality paving chosen to complement the existing paving along High Street.

The street trees along High Street are retained. The application red line includes the pavement outside the building along High Street and an enhancement scheme to the High Street frontage is proposed to construct a shared use footway/cycleway which would be dedicated as public highway. There is a requirement to link this new infrastructure to existing provision to the north and south of the site. The Council's Highways officer has recommended that these suitable enhancement measures should be secured via section 106 contribution.

Quality

The design has evolved significantly throughout the course of the pre-application to current submission. By breaking the massing into four distinct forms this allows for opportunities to create deliberate breaks in the façade, and the articulation of massing through a change in materials/fenestration detail. The articulation of the massing helps further strengthen the design by creating a clear distinction of the SW corner 'bookend' tower which acts as a marker element which is a gateway in relation to Swansea train station. The repetitive nature of the massing and vertical proportions of the fenestration patterns, including two storey reveals, responds to the Victorian rhythm and proportions of surrounding buildings.

The ground floor level has been raised to give greater emphasis to the street with highly glazed active frontage and a recess highlights the buildings entrance. The elevations have been simplified with use of robust brick finishes, the texture and palette taking cues from the local historical context, the lighter tones from the train station. A combination of variations on brick tone, colour and detailing along with key brick details will break up the larger expanses of façade. Recessed contrasting fine textured grey coloured metalwork cladding panels will provide breaks between the volumes. The top is treated as an extension of the brick framing to create a distinctive profile and concealed area for sheltered room top terraces and plant equipment area.

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Whilst not stated, presumably the panels to side of the full height glazing will be openable for ventilation and the glass fixed? This has the effect of making the bedroom opening appear larger and adds positive articulation to the elevation plus allows ventilation to be positively integrated without the need for louvres and this detail can be controlled by condition. The delivery of the quality of elevations can be ensured by requiring large scale drawings of key details such as selected windows in their openings and by requiring a composite sample panel of all materials on site to see the actual juxtapositions.

Parking

Vehicular access is taken off Powell Street from the north. The scheme provides 15 parking spaces on site for use of student residents only, plus two cycle storage areas within the lower ground floor for 186 and 56 cycles. Given the national emphasis on active travel (walking/cycling) plus the well-being goals that seek to reduce car dependence and the impacts such as particulates, from a placemaking perspective the proposed level of car parking is considered to be acceptable being comparable to other PBSA schemes recently consented. To ensure that walking and cycling are supported by this development in the wider city, off-site improvements to walking and cycling are required to be funded through a s106 agreement.

Amenity

There will be a secure landscaped courtyard area to the rear that is secured by the building and unclimbable fencing where necessary. The courtyard space provides recreation including seating and areas for lawn/planting. Green roofs provide additional amenity space with a proportion of the roof enabled for access.

Microclimate

A wind/microclimate report has been undertaken which concludes that the wind conditions within the immediate vicinity of the proposed building will meet the UK industry standard criteria for wind, in terms of safety, and in terms of comfort for pedestrian passage. The conclusion goes on to note that there is some potential that conditions at the SW entrance to the building may be marginally window for comfortable ingress/egress during winter and to ensure acceptable conditions exist, it would be beneficial to introduce a degree of additional shelter in the form of a screen or reinforced soft landscaping. This can be secured by condition.

Security

Through positive design, natural surveillance and increased footfall the development seeks to address antisocial behaviour that has occurred in this area. At the ground floor active frontage comprises a legible and secure main entrance, plus full height windows to the communal spaces for the students. The full height bedroom and lounge windows above maximises overlooking of the streets and public realm.

Access for all

There is a legible and level entrance into the building with lifts to all floors. Routes to all entrances including the car parking are designed to ensure full level access across and through the site

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Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, the Development Plan also places significant emphasis on integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

Future Wales Policy 9 and Planning Policy Wales require that:

- o all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
- o a clear approach is taken to considering biodiversity and securing overall enhancement.

Adopted SPG - Biodiversity and Development provides:

- o guidance on how the requirement for biodiversity can be addressed and assessed.
- o details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals

Other Key Issues

With respect to the proposed PBSA use itself, it should be noted that the Council may apply a condition to restrict occupation of such a development to students in-line with the HMO/PBSA SPG. This would be to ensure that planning permission would be required if it was proposed at a future date that the accommodation would become a C3 'open market' residential use. PBSA developments are typically not considered to provide appropriate accommodation or facilities for 'open market' residential use. Works would likely be required to change the size, layouts and configuration of the residential units within a PBSA building for such an alternative use to be considered. A residential C3 use of a PBSA building is also likely to generate additional parking requirements, which may not be capable of being provided. Planning applications for PBSA development should include an Adaptability Statement, in-line with the HMO/PBSA SPG, to consider how the proposal would not prejudice future uses, such as a hotel use.

In-line with the HMO/PBSA SPG, a Management Plan would also be required as part of any PBSA planning application submission. This must detail how it would be ensured that the development would conform to LDP policy and continue to do so once in operation. The Management Plan would need to include information on how the development would be intended to be managed to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents.

The site is located within the Hafod Air Quality Management Area, shown on the LDP constraints map.

Summary

The site is located in a sustainable location within the Swansea Central Area boundary which is the preferred location for PBSA development. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability, and the proposal has the potential to benefit the regeneration of this Complementary Area of the City Centre.

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This proposal meets the requirements of the adopted Tall Building Strategy SPG and the Swansea Central Area Regeneration Framework (SCARF). The proposed student development is seen as a key intervention to encourage footfall north of Swansea train station and create a new landmark key gateway. It would contribute to the regeneration of the upper High Street and help tackle the issues of antisocial behaviour through active frontages and positive footfall. The additional scale would be welcomed as a part of a taller building cluster around the train station with the 18 storey Mariner Street student development nearing completion.

Therefore, approval is recommended subject to the following conditions:

- o Composite sample panel of all materials on site;
- o Large scale drawn details of:
  - i) Ground floor glazing
  - ii) Brick details and interfaces between materials
  - iii) Typical bedroom windows in their openings
  - iv) Typical lounge windows in their openings
  - v) Main entrance
  - vi) Roof edges and corners to cladding systems
  - vii) Ramp/ steps and associate wall/ handrails
- o Scheme for the enhancement of High Street within the red line
- o Compliance with 0.4 green space factor score.
- o Details of screen/shelter or reinforced soft landscaping to main entrance in accordance with recommendations set out in the wind effect/microclimate study

**APPRAISAL**

**Planning Application**

The planning application has been supported with the following documents:

- o Design and Access Statement;
- o Planning Statement;
- o PAC Report;
- o Adaptability Statement;
- o Heritage Impact Assessment and TVIA;
- o Archaeological Desk Based Assessment;
- o Marketing Report;
- o Student Needs Assessment;
- o Air Quality Assessment;
- o Noise Impact Assessment;
- o Daylight Sunlight Assessment;
- o Energy Statement;
- o Sustainability Statement;
- o Framework Travel Plan;
- o Transport Statement;
- o Landscape Design Statement;
- o Ecological Impact Assessment;
- o Ecological Management Plan;

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- o Arboricultural Survey and Impact Assessment;
- o Drainage Strategy;
- o Ground Investigation Report;
- o Wind Microclimate Review;
- o Student Management Plan;
- o Waste Management Plan; and
- o Construction Management Plan.

**Material Planning Considerations**

The main issues to be considered:

- o The principle of the development having regard to national and local planning guidance;
- o the effect of the development on the character and appearance of the area including the heritage assets in the vicinity; and
- o the effect of the development on highway safety;
- o other technical issues

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

**Development Plan Policy and Supplementary Planning Guidance**

The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal must be determined against relevant policies of the Development Plan, which comprises:

- o Future Wales (FW), the National Plan 2040- the national tier of the Development Plan containing the policies on matters Government considers a national priority, that are distinctly spatial and/or require national leadership.
- o The Swansea Local Development Plan (LDP) 2010-2025 - the local tier of the Development Plan.

Whilst Development Plan policies are the primary consideration, other relevant material considerations need to be considered when determining the acceptability of the proposal. This includes other local and national policy and guidance, including Supplementary Planning Guidance (SPG), Planning Policy Wales (PPW) Edition 11 and Technical Advice Notes (TANs).

Swansea Council is a signatory to the Wales Placemaking Charter which defines the placemaking principles and range of considerations that should be applied to all developments, in the interests of maintaining and creating good places.

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### Swansea Local Development Plan ('LDP')

The site is located within the Swansea Central Area, defined by LDP Strategic Policy SD J, and adjacent to the railway station and close to the main services and facilities in the City Centre. Within the SD J: Swansea Central Area is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance.

The adopted Swansea Central Area Regeneration Framework (SCARF 2016) provides more detailed concept plans for the Complementary Areas identified in the LDP. The SCARF document is not SPG, but is a Council endorsed strategy document that contains general principles that remain relevant going forward to inform the Council's approach to regeneration and decision making. The SCARF contains an indicative concept plan for the High Street and this proposal is located in an area annotated as the High Street Gateway. The SPG sets out design principals for this area, the relevant ones being to:

- o Ensure that all developments along High Street include active frontages to bring vitality to the street;
- o Individual buildings of an appropriate scale reflecting the existing pattern of development;
- o Substantially increase green space within the area through enhanced public realm, widened pavements, courtyards and 'green architecture';
- o Promote the use of high quality materials and workmanship and design which requires less maintenance without sacrificing quality.

The provision of PBSA within the Central Area is encouraged by the LDP (Policies RC 1 and H 11), subject to careful consideration of amenity impacts. In particular, in terms of the sequentially preferable location for PBSA, policy H 11 sets out that proposals for PBSA should be located within the Swansea Central Area. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability.

The current use of the land is for office use. LDP Policy (PS 4 and RC 10) protects land and premises in active, viable employment use (such as B1 office use) as part of the County's employment land bank. Policy RC 11 states that a change to non- B uses will only be permitted where it can be demonstrated that:

- o the existing use is no longer viable or appropriate at the proposed location;
- o there is no need to retain the premises for the existing use having regard to existing and likely future market demand and the requirement to provide a range and choice of employment sites;
- o there would be no unacceptable impacts on neighbouring uses;
- o and there are no sequentially preferable sites available.

In support of this sustainable employment strategy and to support the regeneration of the City Centre, Policy RC 12 states that the alternative use of offices within the Swansea Central Area will only be permitted where the developer can demonstrate that there is no need to retain the site or premises for office use having regard to existing supply and the requirement to provide a range and choice of sites for such use to meet existing and likely future demand.

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The type of evidence required to justify such a change of use will vary depending on the circumstances but may include details of why the land/premises is no longer in use; evidence to show that reasonable efforts have been made to market it for sale or lease for its existing use for at least 12 months; and information to show that the advertised rental and lease terms have been reasonable considering the local market conditions and property condition.

As indicated in the Planning Policy appraisal above, the applicant has submitted a Marketing Report to address this issue. The office building has been largely vacant over recent years, especially since the relocation of HMRC to Cardiff, and the report highlights the limited interest and concludes that there is no need to retain the use to meet identified demand, and that speculative development/refurbishment of offices is not seen as viable to developers at this location due to the factors set out. It should also be acknowledged that the Local Planning Authority has granted a prior approval for the demolition of the building.

### Summary

Within the national and local planning context, there is a clear support for the principle of the development at this City Centre location and the uses proposed, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore considered to accord with development plan policy.

### **Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance**

As indicated above, the site is located within the Swansea Central Area and in this respect the Adopted SPG on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) is of relevance to this proposal. In respect to PBSA, the SPG seeks to promote such developments in appropriate City Centre sustainable locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; with good access to services, facilities and public transport and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for the Central area.

### Student Needs Assessment

The application has been accompanied by a Student Needs Assessment of the need and supply of in Swansea analysing the current and emerging supply of student accommodation and an assessment of potential future growth of student numbers in Swansea.

It indicates that the two universities, Swansea University and the University of Wales Trinity, at the start of the 2019/20 academic year there were c.22,500 students enrolled on full-time higher education courses at the Swansea campuses of these institutions. The websites of Swansea University and UWTSD indicate that both institutions have a combined university operated and maintained student accommodation which offer of approximately 3,950 student beds.

A review of the private rental market reveals a number of privately-operated PBSA developments in Swansea and both completed PBSA developments and those with planning permission, it is estimated that these developments offer, or will offer once complete, an additional 4,092 student bed spaces within the City. In total, it is estimated that these university halls of residence and private PBSA developments, once all are complete, will provide approximately 8,042 student bed spaces in Swansea giving a total of 35.7% of current full-time students are able to access PBSA.



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The remaining 14,458 students are required to seek alternative accommodation. This might involve living at home or in private rented (non-PBSA) accommodation. It is recognised that the gap in provision is largely met by students seeking accommodation in private rented houses, flats and Houses in Multiple Occupation ("HMOs").

Future Need and Supply

The number of full-time students attending Swansea University and UWTSD increased by 5.9% per annum between 2001 and 2017. Whilst it is difficult to predict the future growth of student numbers, if this long-term trend in growth was maintained over the next six years from a baseline of 22,500 students in 2019/20, there would be an additional c.9,300 full-time students in Swansea by 2025/26, resulting in a total of 31,800 full-time students, who would be seeking accommodation in the city. However, this has to be heavily caveated having regard to future university developments, demographics, Covid etc., nevertheless there still appears to be a continuing demand for PBSA in the City.

Against the context of this rising demand, Swansea Council adopted its Houses in Multiple Occupation & Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance (SPG) in December 2019 in response to pressure on existing housing stock to accommodate students in houses of multiple occupation (HMOs). This SPG serves to control further expansion of HMOs, particularly in those areas closest to main university buildings such as Brynmill, Uplands, Mount Pleasant and St Thomas. At the same time the SPG sets out the principles for provision of new PBSA recognising its need and guiding its provision towards existing university campus and city centre locations.

Future Capacity

Based on a total of 31,800 full-time students and if no further PBSA bed spaces were provided, by 2025/2026, the remaining 23,758 full-time students would need to seek alternative accommodation, primarily in the private rented sector. This represents an additional 7,305 students that would need to seek non-PBSA between 2019/20 and 2025/26. This would add further pressure to the demand for private rented accommodation in the context of the Council's position that seeks to welcome student growth and recognises the important economic role of the universities but seeks to constrain further expansion of HMOs. It would also have an impact on the ability of the two universities to provide a high quality student experience and, as such, may impact on their ability to attract new students.

Conclusions

Despite Covid etc. evidence suggests that strong growth will continue. Furthermore, both universities in Swansea aspire to continued growth and investment in the City. The report demonstrates that the existing provision of PBSA relative to the number of students in Swansea (35.7%) is similar to the national average (35.8%) but lower than that in Cardiff (40%). Furthermore, whilst Cardiff has seen considerable new provision of PBSA in recent years, in Swansea this growth has been more modest. Assuming past levels of growth in student numbers continue and based on existing known PBSA stock and proposals only 31.6% of students in Swansea will be able to access PBSA by 2025/26.

Based on these assumptions, an additional 7,305 students will likely need to seek non-PBSA accommodation between 2019/20 and 2025/26. Historically, the gap in provision has been largely met by private rented HMOs, although there is evidence to suggest that students are also increasingly opting for high quality PBSA rather than HMO accommodation.

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Whilst the impacts of Covid-19 on higher education have yet to be understood, initial indications are that, whilst online learning and study closer to home are likely to increase in importance, over the short term enrolment has increased, as shown by a 4% year on year increase in placed undergraduates for the 2020/21 academic year across the UK11. There are also historical key trends in increased uptake of higher education courses during times of economic uncertainty. This initial research demonstrates that additional PBSA will be needed in Swansea in order to meet identified future needs and to support continued economic growth in the City.

Adaptability Statement

PBSA developments provide a distinct form of residential accommodation for a specific user (i.e. students), in particular providing accommodation that is used by tenants on a transient basis - typically during term time and for less than a year - after which time the tenant moves on. In addition, a student's bedroom and related habitable areas within a PBSA does not usually provide that person's sole residence. Given this, the full extent of amenity spaces and standards that applies to C3 residential development providing permanent homes (for example access to a minimum size of private or shared garden) may not be a requirement of a PBSA development. Certain PBSA may ultimately not be capable of conversion to C3 residential use, and the suitability for such proposals will be considered by the LPA on a case by case basis.

Any proposals for a change of use from PBSA to residential development would be considered having regard to all the relevant policies in the LDP. The SPG advises that planning applications for PBSA development should include an Adaptability Statement to consider how the proposal would not prejudice future uses, such as a hotel use. An Adaptability report has been undertaken which indicates that the design of the building has taken into consideration the reuse and future adaptability of the building when it is no longer fit for the intended purpose as student accommodation. The report incorporates a plan illustrating the potential flexibility of a typical floor within the building, showing how by removing walls, areas could be suitable for use as studio, 1, 2 and 3 bedroom apartments.

**The effect of the development on the character and appearance of the area**

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard are set out in Future Wales Policy 2:

- o development should adhere to the defined placemaking principles in order that they positively contribute towards building sustainable places that support well-being objectives,
- o opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- o all proposals should be assessed having regard to the defined placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- o development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.

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- o the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- o development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

This is considered in detail in the Placemaking and Heritage Team observations above, and a summary is provided here together with that of the supplementary planning guidance. As outlined, the placemaking agenda for the city centre is set out in the SCARF document which seeks to extend the positive mixed-use regeneration of the lower High Street into the Upper High Street area. The site is located in a highly sustainable location and accords the LDP land use policies. The building incorporates an active frontage ground floor communal area along the High Street façade which will provide natural surveillance and good active frontage to enliven the public realm for passing footfall. This is in accordance with the Tall Building SPG and SCARF regeneration framework.

The design criteria within the Tall Buildings SPG requires the massing for tall buildings to be slender and elegant and not monolithic in appearance. The proposal proposes the construction of a new building stepping from 5 to 11 storeys, with the main tower forming the SW corner. The proposed massing avoids an overbearing effect on High Street and the stepping form and architectural treatment address the requirement for a slender and elegant form to the SW corner that highlights the entrance in close proximity to the train station. The building steps down to 5 storeys to Powell Street to respect the scale of the existing residential block opposite. It is considered that the massing and overall composition of the building accords with the Tall Buildings SPG.

The design has broken the massing into four distinct forms this allows for opportunities to create deliberate breaks in the façade, and the articulation of massing through a change in materials/fenestration detail. The articulation of the massing helps further strengthen the design by creating a clear distinction of the SW corner 'bookend' tower which acts as a marker element which is a gateway in relation to Swansea train station. The external finishes to the elevations will consist mainly of brick finishes, the texture and palette taking cues from the local historical context, the lighter tones from the train station. A combination of variations on brick tone, colour and detailing along with key brick details will break up the larger expanses of façade. All samples and architectural building details will be controlled by planning conditions.

**Green Infrastructure/ Sustainable Urban Drainage**

The LDP provides specific policies on open space (SI 6) and green infrastructure (ER 2), biodiversity (ER 8,9,11), social infrastructure (SI 2) provision and mitigation of impacts of development. Green infrastructure and biodiversity - Green Infrastructure (ER2) and biodiversity (ER 9) are a central facet of the Plan and fundamental to good placemaking. It is clear that the applicant has fundamentally embraced the objectives of integrating GI within development. The Councils draft Swansea Central Area: Regenerating Our City for Wildlife and Wellbeing Green Infrastructure Strategy sets out that the Council will apply the Green Space Factor Tool (GSF) in consideration of all development in the Swansea Central Area. This is a simple method for measuring the area and likely effectiveness (in providing various ecosystem services) for various green infrastructure types included in project proposals.

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As outlined in the Placemaking comments above, the revised scheme has incorporated green infrastructure proposals into the proposed development in the form of a green roofs, rain garden on the High Street Jockey Street frontage, and biodiverse planting and these can be secured via condition.

**Community Safety and Public Realm**

LDP Policy SI 8 states that development must be designed to promote safe and secure communities and minimise the opportunity for crime. In particular development shall:

- i. Create places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security;
- ii. Provide adequate natural surveillance (overlooking) of adjacent streets and spaces;
- iii. Be designed to make crime difficult to commit by increasing the risk of detection;
- iv. Create a sense of ownership by providing a clear definition between public and private spaces;
- v. Promote activity that is appropriate to the area, providing convenient access and movement routes;
- vi. Provide, where necessary, well-designed security features that integrate sympathetically with the surrounding streetscene, buildings and open spaces;
- vii. Create places that are designed with management and maintenance in mind, to discourage crime in the present and the future; and
- viii. Avoid the creation of gated communities.

'Designing in' Community Safety is key to the delivery of safe and sustainable communities, and should be considered in all developments in all locations. The Council's adopted 'Planning for Community Safety' SPG (2012) also provides guidance in increasing community safety and reducing crime and the fear of crime, in order the quality of life for future students. This policy should be read together with Policy PS 2 Placemaking and Place Management. Community Safety requirements should be balanced against the need to create sustainable, attractive and well connected communities.

The Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) SPG highlights that PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting.

The Designing Out Crime Officer (South Wales Police) has raised no objections to the planning application, and has made a number of recommendations in respect to perimeter security, lighting, vehicular and bicycle parking, landscaping, CCTV, security, access and management.

**Impact on residential amenity**

As indicated above, detailed design of the proposal will need to take account of LDP Policy PS 2 and all proposals should ensure that no significant adverse impacts would be caused to people's amenity.

The application has been supported by a further Daylight and Sunlight Amenity Study which has analysed the effect of the development on the daylight and sunlight amenity to the properties with a reasonable expectation of daylight and sunlight amenity situated around the site.

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Daylight and sunlight amenity to Ty Bryn Glas, which is located to the north-east of the site, has not been assessed as this is a commercial building occupied by the University of Wales and is not considered to have a specific requirement for daylight and sunlight amenity. Likewise, windows serving commercial space on the High Street have not been included in the assessment. The full list of assessed properties is as follows;

- o Station Court, High Street;
- o St Matthew's Court, Tontine Street;
- o Sir John Morris House, Tontine Street;
- o 171-179 High Street;

Station Court, High Street

This building is located to the south-west of the site and the study has assessed the daylight and sunlight amenity to the three windows closest to the development. The analysis results show that all three windows assessed would comply with the BRE Report guidelines for both daylight and sunlight amenity.

St Matthew's Court, Tontine Street

This building is located on the south corner of Tontine Street and High Street and the study has assessed the daylight and sunlight amenity to the windows on the north and east elevations. The analysis results show that all of the windows assessed would comply with the BRE Report guidelines using the vertical sky component (VSC) and annual probable sunlight hours (APSH) tests.

Sir John Morris House, Tontine Street

This building is located on the north corner of Tontine Street and High Street and the study has assessed the windows on the north, east and south elevations. The analysis results show that all of the windows and rooms assessed would comply with the BRE Report guidelines for both daylight and sunlight amenity.

171-179 High Street

This building is located on the north corner of Powell Street and High Street and the study has assessed the daylight and sunlight amenity to the windows on the south elevation which directly face the site. The analysis results show that 7 of the 21 windows assessed would comply with the BRE Report guidelines using the VSC test. Of the remaining 14 windows, five would retain between 0.70 and 0.79 times the existing VSC and 8 would retain between 0.60 and 0.69 times the existing VSC, compared to the BRE Report recommendation of 0.80. The remaining window, at second floor, would retain 0.52 times the existing VSC. So whilst there would be some reductions beyond the numerical guidelines for daylight amenity to 14 windows serving 171-179 High Street, having regard to the urban location, the retained levels of daylight would be contextually appropriate for the area.

**Effect of the development on highway safety with particular regard to parking provision**

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3).

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TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

LDP Policies in respect of Highways and Active Travel indicate that the transport requirements for development are set out in LDP Policies T1, T2, T5 and T6. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes.

The proposal is in a sustainable location in terms of access to public transport and proximity to services within the City Centre, on High Street North of Swansea Central Station. Whilst the site is within the Swansea Central Strategic Development area, as defined within the adopted Parking Guidelines, the site is not located within the city centre core area. However, this needs to be balanced against sustainable location being with excellent access to public transport / bus routes, together with good walking and some cycle routes which offer viable daily alternatives to the use of a private car; and is considered to be sustainably located in terms of transport and therefore suitable for the proposed use.

As indicated in the Highways Report, the submitted Transport Statement concludes, through assessment of the trip generation and distribution that daily vehicular trips generated will significantly be reduced whilst pedestrian trips would significantly increase. As such the development will result in a significant reduction in vehicular traffic over the existing consented use, and will have a positive effect on the surrounding vehicular highway network.

The application site is situated outside the City Centre Core Area under the Parking Guidelines, however, it is located within the 'outer' Central Area in respect of standards for residential development under the Parking Guidelines where the policy indicates that schemes designed to increase the residential provision will be considered on their merits with an appropriate relaxation of the parking standards permitted as judged necessary. The Parking Standards Supplementary Planning Guidance specifies that for purpose built accommodation, within all zones, there is a need for 1 car parking space for every 25 bedrooms for servicing, wardens and drop-off areas. The applicant has proposed 15 parking spaces which would accord with the SPG. Lower standards for student accommodation are predicated on the provision on further measures to restrict car use, with students being prevented from bringing cars to the site via Tenancy Agreement, secured via a Section 106 Planning Obligation. Additionally, as highlighted in the Highways Report there are extremely limited opportunities for indiscriminate on-street parking.

Therefore in respect of car parking, it is accepted that the site is in a sustainable location, and as such reduced car parking levels are appropriate, and the imposition of a Section 106 agreement to control the management of car parking on site offers a reasonable approach for this form of development. It should be noted that case law has established, following *R (Khodari) v Royal Borough of Kensington and Chelsea [2017]*, that the Appeal Court judge in this case noted that section 106 requires restrictions placed "on land" to be used in a specific way, and this means that the Section 106 can only control land which the individual making the agreement has an interest (i.e. the application site which in this case would be the car park, and it would not include land beyond the application site where there is a direct relationship, and would not extend to restricting parking on the public highway.

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The Section 106 would also restrict occupancy to students in-line with the HMO/PBSA SPG. This would be to ensure that planning permission would be required if it was proposed at a future date that the accommodation would become a C3 'open market' residential use. PBSA developments are typically not considered to provide appropriate accommodation or facilities for 'open market' residential use. Works would likely be required to change the size, layouts and configuration of the residential units within a PBSA building for such an alternative use to be considered. A residential C3 use of a PBSA building is also likely to generate additional parking requirements, which may not be capable of being provided.

The Parking Standards SPG requires cycle parking at one cycle parking space be provided per 2 beds for this form of development (a minimum of 189 spaces for 378 beds). The development has proposed 190, which is in line with the SPG requirements. It is expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and provision of cycle parking, enhanced as may be required, to respond to any identified demand/shortfall.

All servicing is proposed to take place from Powell Street, with the refuse stores will be accessed directly from the rear of the building. Swept path analysis has been provided which demonstrate that service vehicles can adequately access and egress.

The submitted scheme proposed a public realm enhancement along the High Street frontage which would construct a 3 metre wide shared use footway/cycleway, which would be dedicated as public highway. These Highway Works should be delivered under a section 278 agreement with the Local Highway Authority, which will also deliver green infrastructure / sustainable drainage improvements.

There is also the requirement to link this new infrastructure to existing provision to the North and South of the development site, initial thoughts are that a raised junction treatment should be provided across Powell St, and the route continued through the current taxi and drop off area to the station to the South, where it can pick up the existing route on Alexandra Road, these enhancements are thought to be in the region of £35k and should be secured via section 106 contribution.

This would be line with LDP policy T6 and the Council SPG on Section 106 contributions which indicates that where there are shortfalls in the existing infrastructure that would need to be improved to mitigate for this level of development at this location. For the numbers of units involved this would be a maximum of £35,000 (the applicant has indicated a willingness to enter into a Section 106 Planning Obligation for this agreed amount). The completion of a Section 106 Planning Obligation to provide for enhancements to the transport network, particularly in relation to improving pedestrian connectivity and public transport enhancements near to the site can be utilised to mitigate for the additional activity resulting from this development. This is considered to be a reasonable requirement as part of the development proposal and in the planning balance of material considerations and would also be justified having regard to the reduced car parking provision.

In this case the scheme provides a reduced amount of car parking, however, it has been demonstrated that the site is within a sustainable location and suitable mechanisms can be imposed through a Section 106 to deal with car parking management and improvements to pedestrian and public transport connectivity Page 166

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It should be noted that there are existing enforceable parking restrictions on the surrounding streets and there is therefore no supporting evidence to demonstrate that this development will directly harm highway safety in those areas. The mechanisms to control parking would, on balance, result in an acceptable development having regard to highway considerations and the policies contained within the Local Development Plan. The provision of the planning obligations, to improve the current travel network surrounding the site, would be a course of action considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development having regard to the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.

### **Impact on archaeology and cultural heritage**

#### Archaeology

HC 2 seeks to ensure that any new development accords with the special architectural and historic interest of historic assets and in respect of archaeology, development should be sensitive to the preservation of archaeological remains, and National Planning Policy and Guidance stresses the need to evaluate sites, record them and preserve those that are most important. Developers should therefore identify the likely archaeological resource within the proposed development area and may be required to introduce appropriate mitigation measures into the proposal to protect the identified resource.

The planning application is accompanied by an Archaeological Desk Based Assessment to determine the archaeological potential of the application site, and in particular to assess the impact upon standing and buried remains of potential archaeological interest and to ensure that they are fully investigated and recorded if they are disturbed or revealed as a result of subsequent activities associated with the development.

The Assessment has not identified any archaeological assets either within the study site or the search radius that would lead to the consideration for assets predating the Post-medieval period to be present. The site of the Medieval Chapel preceding the Church of St John on the western side of the High Street is noted however there is no reason to suspect that anything associated with the chapel may extend into the study site. The Study Site itself (i.e. the application site) is not situated within a locally designated Archaeological Alert or Priority Area. Accordingly it is concluded that further archaeological mitigation on the site would not be required.

#### **Cultural Heritage**

Strategic Policy HC1 seeks to secure the sustainable management, preservation and enhancement of the character and appearance of the historic and cultural environment, whilst supporting appropriate heritage led regeneration proposals to realise the social and economic potential of these assets. HC 2 seeks to ensure that any new development accords with the special architectural and historic interest of designated conservation areas and their settings.

The submitted Heritage Impact Statement (HIS) has assessed the site and surrounding heritage assets; the significance of the heritage asset/s that might be affected by the proposed works; and the potential impact of the proposed works upon the significance of the surrounding heritage assets.



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The area in the immediate vicinity of the Site has several statutory listed heritage assets and one identified historic asset of special local interest, namely, Swansea Station. The Alexandra Road Conservation Area is located approximately 250m south of the Site and also contains several statutory listed heritage assets. It is not thought that the proposed development will have any impact on these assets, due to the distance and dense urban form which largely obscure any potential views of the Site and so have not been considered as part of this assessment.

In respect of the Ebenezer Chapel (Grade II\*); Ebenezer Chapel Hall (Grade II); Bethesda Chapel (Grade II) listed buildings, it is considered that the changes to the site will not have any impact on some of these assets, as the current building on site is not visible when looking at the assets from any angle and, as such, they are scoped-out from this assessment.

The assets that are considered to have the potential to experience an indirect change as a result of the proposed development are listed below and are assessed within the HIS:

- o St Matthew's Church (Grade II);
- o Palace Theatre (Grade II);
- o Swansea Railway Station (historic asset of special local interest)

Overall, it is considered that the proposals will have a negligible adverse impact on the Grade II listed St Matthew's Church and a negligible beneficial impact on the Grade II listed Palace Theatre.

### **Drainage Strategy**

Policy EU4 highlights the need for the development to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure. The submitted Drainage Strategy indicates that foul drainage will be connected to the existing public sewer network in High Street and there is sufficient capacity in the network to accommodate the new development. Dwr Cymru Welsh Water raise no objections.

The surface water drainage will drain via permeable paving, green roofs, downstream defenders & rain gardens outlined in the Drainage Strategy. The Council's Drainage Engineer has reviewed the Drainage Strategy and acknowledged the incorporation of the green infrastructure as part of the development. A full SAB application been submitted for the development has now been received and therefore there are no objections to the submitted Drainage Strategy subject to the imposition of a surface water and land drainage planning condition.

### **Pollution and ground contamination**

#### Noise Assessment

The application has been accompanied by a Noise and Vibration Assessment which identifies the relevant planning and noise guidance whilst establishing the impact of external noise sources, vibration, plant limits.

A baseline noise survey has been completed, with noise control measures provided to address the requirements of Planning Policy Wales, TAN 11, British Standard 4142:2014+A1:2019, British Standard 8233:2014 and WHO (1999) to determine the existing rail traffic, road traffic, ambient noise and vibration levels in the area.

The Report has concluded that with the noted building fabric construction, and suitable ventilation provisions, the predicted internal noise levels due to external sources are within the criteria of British Standard 8233:2014 of 35 dB LAeq (16 hour) in the daytime rooms; and 30 dB LAeq (8 hour) at night and 45 dB LAFmax. This would allow external noise to be controlled to acceptable levels.

In terms of vibration, the measured vibration dose values for the daytime and night-time fall within the British Standard 6472 range for "Low probability of adverse comment" during the night time and daytime period. The construction of a suitably designed building structure will control vibration to acceptable levels.

Plant units associated with the proposed development have the potential to operate 24 hours a day and the predicted noise limits at the existing receivers would be within the baseline noise levels and BS 4142:2014+A1:2019.

#### Air Quality Assessment

An Air Quality Assessment has been undertaken of the proposed development. The Council has assessed air quality within the area which have indicated that concentrations of NO<sub>2</sub> (nitrogen dioxide) are above the relevant AQOs at a number of locations of relevant public exposure within the area. An Air Quality Management Area (AQMA) has been designed which includes the Hafod district, plus Sketty and Fforestfach and the proposed development site is located within the Swansea AQMA.

The emissions from traffic generated associated with the proposed development have been assessed. Concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> have been predicted at sensitive locations in the local area, with and without the proposed development. All predicted concentrations are well below the AQOs (National Air Quality Objectives) and the impacts will all be negligible. The impacts of existing sources of pollution in the local area upon air quality for future users of the proposed development have also been considered. Concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> have been predicted within the proposed development. All predicted concentrations are well below the AQOs.

The operational air quality effects of the proposed development are judged to be 'not significant'. This conclusion is based on the concentrations that future occupants of the proposed development will be exposed to being well below the objectives, and the operational impacts of the proposed development being negligible. Overall, the impacts of the proposed development will be 'not significant', air quality for future users will be acceptable and it is considered suitable for the application site.

Ground Investigation Report

A Ground Investigation Report has been submitted, which indicates that historically prior to the occupation of the site by the existing Ty Nant building and carpark, the site was occupied by terraced residential housing from the time of the earliest available maps (1879). The onsite buildings suffered damage during the Second World War which may be associated with bombing. Remaining buildings were demolished to make way for a carpark by 1969. The existing Ty Nant office development was subsequently constructed between 1976 and 1978.

Soils at the site comprise Made Ground to depths of between 1.10m and 2.50m where proven, underlain by gravelly clay of the Devensian Till. This is underlain by gravels of the Glaciofluvial Ice Contact Deposits. Sandstone bedrock of the Llynfi member is anticipated at depth but has not been encountered by the borehole which was terminated at a depth of 11.50m. The desk study found that the site is unlikely to be affected by coal/rock mining. Groundwater levels measured over a period of 2 months were measured to range between depths of 5.06m and 5.83m bgl. There is no evidence of any significant tidal influences on groundwater levels.

The report has provided parameters which will allow the detailed design of traditional pad type foundations, in addition to piles. It is likely that a suspended ground floor slab would be required due to depths of Made Ground, alternatively support off piles if adopted. If supplementary investigation will be required to inform the design of the piled foundations, which will require the involvement of a specialist piling contractor to ensure that an adequate level of information is obtained for pile design and that any piling related risks are identified at an early stage and adequately addressed. This can be controlled through a planning condition.

The desk study identified potential contaminative sources in the form of the Made Ground, carpark, fuel interceptor and offsite sources. However, the laboratory assessment has not identified any elevated concentrations of contaminants with respect to human health or controlled waters and consequently no remediation is recommended. Additionally, whilst the gas monitoring programme is ongoing, the initial observations indicate that the site is likely to be classified as CS-1 and no gas protection measures are to be required. The desk study found that no radon protection measures are required. The site is suspected to have suffered bomb damage during the second world war which poses a risk during the construction phase and a detailed assessment will need to be undertaken accordingly.

**Waste Storage**

LDP Policy RP 10 requires new development 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. The building accommodates refuse facilities at lower ground floor at the rear of the building which allows refuse vehicles to pick up from Powell Street. It has therefore been demonstrated that sufficient provision is made for refuse and recycling waste that will be generated by the student accommodation. However, a condition is imposed requiring a refuse / recycling waste strategy is implemented which will cover frequency of collections.

### Impact on Ecology

LDP Policy ER 8 seeks to manage and mitigate development where it may have a significant adverse effect on the resilience of protected habitats and species. The submitted Ecological Impact Assessment (EclA) includes an extended Phase 1 Habitat survey and ecological assessment. This identifies there are no bat roosts within the building. In respect of bird nesting, the report recommends that any tree pruning, removal or clearance of scrub vegetation will be undertaken outside of the bird nesting period, which runs from March to August inclusive. In addition, the flat roof of the building may be used by breeding gulls. Therefore it is recommended that if vegetation clearance and demolition must be carried out within the bird breeding season, a pre-clearance bird survey should be carried out by a suitably experienced ecologist.

Complementary to the requirements for Green Infrastructure considerations, the Development Plan places significant emphasis on the use of innovative, nature based solutions to site planning and design of the built environment, and specifically highlights these as key elements for successful placemaking. The Council also has a legal duty under Part 1, Section 6 of the Environment (Wales) Act 2016 ('the S6 duty') to seek to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience.

Future Wales Policy 9 requires all applications to demonstrate the actions that have been taken to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets. This policy requirement is supported by the guidance in PPW that sets out the requirement for a 'stepwise approach' to considering biodiversity in the planning process and securing overall enhancement. PPW emphasises development should consider the significant opportunities provided by nature based solutions to maintaining and enhancing GI. By taking this approach, development proposals can contribute to the "Resilient Wales" Goal of the Well Being of Future Generations (WBFG) Act 2015, and assist in meeting the relevant requirements of the SUDs guidance and legislation. It is critical therefore that proposals are assessed against Future Wales Policy 9, and having regard to the key placemaking, design and GI principles set out in Swansea LDP Policies PS 2 and ER 2 in all cases, and where relevant Policies ER6, ER8, ER 9 and ER11.

The Council has adopted SPG entitled "Biodiversity and Development" which sets out how the LPA applies the PPW required 'Stepwise approach' at the local level, and also identifies specific measures that could be provided to enhance biodiversity and ecosystem resilience, depending on the nature of the proposals.

The application is also accompanied by an Ecological Management Plan to provide an ecology and biodiversity strategy for the proposed development. As indicated in the EclA report ecological interests at the site are limited, and the EMP has identified a number of objectives to increase the ecological value of the site. These include:

- o Objective 1: Green Roof Installation and Management - the green roof will be installed by a speciality contractor following recommendations from the Green Roof Organisation (GRO) Green Roof Code<sup>1</sup>; Planting should aim for a biodiversity of more than fifteen, native, plant species; Other habitat should be provided on the roof to provide opportunities for invertebrates. Features could include bare unplanted substrates and aggregates;

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- o Objective 2: Bat box Installation and Management - it is recommended that three integrated bat boxes are installed on the proposed development.
- o Objective 3: Bird Nest box Installation and Management - opportunities for nesting birds within the site are limited, as such it is recommended that nest boxes are integrated into the building design. The target species for the nest boxes will be swift (*Apus apus*).
- o Objective 3: Insect/Bee Brick Installation and Management - Insect/bee bricks which are integrated into the building can provide nesting habitat for bee species including red mason (*Osmia rufa*) and leafcutter bees.

The EMP also provides recommendations in respect on monitoring to ensure the assessment and the efficacy of the prescribed objectives. The management plan is for a period of five years. The provision of the ecological enhancement measures and future monitoring will be secured through planning conditions.

**Conclusion**

The proposed development would represent a significant regeneration of this site and aims to make a contribution to the growing demand for Purpose Built Student Accommodation (PBSA) in Swansea. The redevelopment of the site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan Policy in respect of such developments within the urban area. The site lies within the City Centre Core Action Area and LDP Policy H 11 in particular, favours the development of PBSA within appropriate City Centre sites and recognises the contribution this type of development can make towards achieving the wider regeneration aims for the area. The proposal should therefore be considered in the context of LDP Policy H11 and the aims of the SPG on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA), and it is considered that student accommodation is acceptable in principle and that it would have the associated benefit of assisting in regenerating this part of the city and additionally, that the site is located in a sustainable location.

The benefits of this development which include regeneration of this area, retaining an active frontage at ground floor level within the development and would further seek to discourage antisocial behaviour in the area. The fact that the scheme is in a highly sustainable location and is to offer off-site improvements to walking and cycling in the area shifts the material planning balance in favour of support for this application. The development will meet the requirements of the Adopted Tall Buildings Strategy SPG and the Swansea Central Area Regeneration Framework by creating a new city landmark at a key gateway to the railway station. It will contribute to helping tackle issues of antisocial behaviour, contribute to the regeneration of the upper High Street and provide opportunity to support sustainable transport and shifting modes of transport from private car along as advocated within Planning Policy Wales along with supporting the Council's regeneration aspirations for the City as a whole. On this basis, on balance, it is concluded that the application is acceptable and accords with the policy framework set out in the Swansea Local Development Plan, Supplementary Planning Guidance and National Policy and Guidance.

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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 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 decision 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 conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the following clauses:**

1. Car Parking Management in accordance with a Management Plan to include details of a parking management scheme for the parking within the lower ground floor area. The document should make specific reference to general day to day management as well as the pick up and drop off arrangements at the beginning and end of term which have the potential to bring more vehicles than can be accommodated at once.
2. The provision of a mechanism to deal with the control of 'on-site' parking through the production and agreement of a Tenancy Agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
3. The development shall be occupied by registered students only, in the interests of highway safety.
4. Highway / Public Realm Infrastructure (outside the application site) A contribution of £35,000.00 to fund improvements to the public realm in the vicinity of the development together with improvements to the highway network to upgrade shared use footway/cycleway travel connections along High Street.
5. Commitment to Council's Beyond Bricks and Mortar scheme during construction.  
Section 106 Management and Monitoring Fee  
Costs incurred against the management of the obligation based on 2% of the value of the obligations = £700.00  
The Council's legal fees of £1000 relating to the preparation of the S106 agreement

**If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS2, IO1, S18, T1, & T2 of the Swansea Local Development Plan 2010 – 2025**

- 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:

20039 - BCA - XX - 00 - DR - A - 01004 P2 Site Location Plan; 20039-BCA-XX-00-DR-A-01004 P2 Location Plan Planning Boundary; 20039-BCA-XX-00-DR-A-04022 P02 Existing Ground Floor Plan; 20039-BCA-XX-01-DR-A-04023 P02 Existing First Floor Plan; 20039-BCA-XX-02-DR-A-04024 P02 Existing Second Floor Plan; 20039-BCA-XX-03-DR-A-04025 P02 Existing Third Floor Plan; 20039-BCA-XX-04-DR-A-04026 P02 Existing Fourth Floor Plan; 20039-BCA-XX-05-DR-A-04027 P02 Existing Fifth Floor Plan; 20039-BCA-XX-06-DR-A-04028 P02 Existing Roof Floor Plan; 20039-BCA-XX-B1-DR-A-04021 P02 Existing Lower Ground Floor Plan; 20039-BCA-XX-XX-DR-A-05001-P05 North Elevations; 20039-BCA-XX-XX-DR-A-05002-P04 South Elevations; 20039-BCA-XX-XX-DR-A-05003-P05 East Elevations; 20039-BCA-XX-XX-DR-A-05004-P06 West Elevation; 20039-BCA-XX-XX-DR-A-05021-P02 Existing Elevations; 20039-BCA-XX-XX-DR-A-05022-P02 Existing Elevations; 20039-BCA-XX-XX-DR-A-06001-P02 North Sections; 20039-BCA-XX-XX-DR-A-06002-P02 South Sections; 20039-BCA-XX-XX-DR-A-06003-P02 East Sections; 20039-BCA-XX-XX-DR-A-06004-P02 High Street Section; 20039-BCA-XX-XX-DR-A-06021 P02 Existing Sections; 20039-BCA-XX-XX-DR-A-06022-P02 Existing Sections; 101 G Landscape Plan; 102 C Landscape Roof Plan; 20020-BCA-XX-00-DR-A-04002 P12 Ground Floor Plan; 20020-BCA-XX-05-DR-A-04007-P09 Fifth Floor Plan; 20020-BCA-XX-06-DR-A-04008-P08 Sixth Floor Plan; 20020-BCA-XX-B1-DR-A-04001-P07 Lower Ground Floor Plan; 20020-BCA-XX-RF-DR-A-04013-P02 Roof Plan; 20020-BCA-XX-ZZ-DR-A-04003-P04 First - Fourth Floor Plan; 20020-BCA-XX-ZZ-DR-A-04009-P07 Seventh - Eight Floor Plan; 20020-BCA-XX-ZZ-DR-A-04011\_P07 Ninth -Tenth Floor Plan - plans received 21 May 2021.

Reason: To define the extent of the permission granted.

- 3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding demolition, excavation, site preparation, enabling works and installation of the foundations) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

- 4 Prior to installation of the relevant part of the development, details at an appropriate scale shall be submitted to and approved in writing by the Local Planning Authority:

- Typical bedroom and lounge window opening units;
- Main entrance door (including any canopy detail) within its opening;
- Ground floor glazing;
- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
- Roof edges and corners to cladding systems
- Ramp/ steps and associate wall/ handrails

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

Reason: In the interests of visual amenity.

- 5 Prior to the commencement of any superstructure works, the requirement for any wind mitigation measures at the south-western corner of the building shall be subject to a Wind Microclimate review to be submitted to and approved in writing by the Local Planning Authority. The approved development shall be constructed in accordance with any recommended and approved wind mitigation measures and retained thereafter to serve the approved development.

Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.

- 6 Notwithstanding the details shown on any approved plan, precise details of the location, extent, design and finish of any visible external ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of that detail within the development. Development shall take place in accordance with the approved details.

Reason: In the interests of visual amenity.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

- 8 Notwithstanding the details indicated in the Landscape Design Statement, Landscape Layout (101 rev G) and Landscape Roof Plan (102 rev C) drawings, prior to installation of the relevant part of the development, a fully detailed scheme of hard and soft landscaping including planting and surface water drainage infrastructure and the green infrastructure including that of the green roofs, substrate depth, species, spacings and height when planted of all new planting shall be submitted to the Local Planning Authority. The green infrastructure scheme shall achieve a minimum target score of 0.4 under the Swansea Green Space Factor Tool and shall be carried out within 12 months from the completion of the development or within 12 months of occupation whichever occurs first. 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 to those originally required to be planted.

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.

- 9 Prior to the first beneficial occupation of the development, the proposed management strategy for the future management and maintenance of the landscaping and green infrastructure within the development shall be submitted to and approved in writing by the Local Planning Authority.



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The strategy shall include details of any management company proposed and its terms of reference and shall be managed thereafter in accordance with the approved strategy.

Reason: To ensure that the landscaping and green infrastructure are subject to a future management and maintenance agreement to ensure that they are adequately maintained.

- 10 Prior to the commencement of any superstructure works, the scheme of Ecological Enhancement Measures outlined in the submitted Ecological Management Plan together with an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include an architectural drawing showing the locations and specifications of the enhancements (as detailed within the Ecological Management Plan). The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development and shall be monitored by suitably qualified and licensed ecologists for at least 5 years following installation in accordance with a Monitoring Plan to be submitted to and approved in writing by the Local Planning Authority.. If boxes are unoccupied after three years, additional roosting and/or nesting habitat should be considered to improve the ecological potential of the site.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

- 11 Prior to the installation of the public realm improvements works, a scheme shall be submitted to and approved in writing by the Local Planning Authority setting out the public realm improvements to the footways adjacent to the site frontage to High Street. The scheme shall incorporate a minimum 3 metre wide shared use footway/cycleway and include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The approved scheme shall be completed within 12 months of first beneficial occupation of the development.

Reason: To ensure the reinstatement of the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.

- 12 Prior to the occupation of any part of the development, the pedestrian ground floor access and the car parking and secure bicycle storage spaces must have been completed and made ready for use, in accordance with the approved drawings. The pedestrian access and car and cycle parking areas shall be retained and made available for their intended use at all times thereafter.

Reason: To ensure that adequate and safe access to the building is provided and retained and to ensure adequate car parking and cycling parking provision.

- 13 Prior to beneficial occupation of any part of the development a travel plan shall be submitted to for agreement in writing by the Local Planning Authority and the approved Travel Plan shall be implemented before first beneficial occupation. This should be based on the interim Travel Plan submitted with the application and include an 5 period of monitoring at the Developer's expense with the results to be submitted to the Local Planning Authority.

Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

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- 14 The development shall be constructed in accordance with the submitted Construction Management Plan (CMP) and Site Specific Waste Management Plan (SWMP) unless any variations to the CMP and SWMP are submitted to and approved in writing by the Local Planning Authority which details the necessary pollution prevention measures to be employed during the construction. The approved document shall be adhered to throughout the construction period.  
Reason: In order to prevent pollution of the environment, protect the residential amenities of the area, to secure the satisfactory development of the site and to minimise traffic impacts on the surrounding highway network
- 15 No development (other than demolition, site clearance and site assembly) shall commence until 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 and to minimise surface water run-off.
- 16 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made into manhole reference SS65937703 as indicated on the extract of the 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.
- 17 Prior to occupation of any part of the development, the development shall be completed in accordance with the Noise and Vibration Assessment Ref: 8833/BLa which require that:  
  
All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.  
  
Reason: To protect the proposed residential use against noise arising from the existing traffic and rail use of the area.
- 18 Prior to beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:  
  
All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.  
Reason: To protect the existing and proposed residential uses against noise from building services plant

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- 19 Prior to the commencement of any piling works on the site a Piling Assessment report shall be submitted to and approved by the Local Planning Authority. The report shall set out the different types of piling methods that could be utilised at the site; along with consideration of the noise and vibration effects that the operation may have upon surrounding land uses and the mitigating measures that may be utilised.  
Reason: To protect the residential and commercial land uses from noise and vibration within the surrounding area.
- 20 Prior to the occupation of the development, details of a Waste Refuse and Recycling Management Plan (including the provision of refuse storage and recycling facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved Waste Refuse and Recycling Management Plan for the lifetime of the development.  
Reason: To ensure the management and movement of refuse within the site in the interests of site safety and to ensure that adequate provision is made within the development for the storage of refuse.
- 21 The development shall be brought into beneficial occupation in accordance with the submitted Operational Management Plan or alternative Operational Management Plan that has been submitted to and approved in writing by the LPA and thereafter be implemented in accordance with the approved Operational Management Plan for the lifetime of the development or equivalent approved document.  
Reason: To ensure the management and movement of vehicles related to the development in the interests of the public safety and amenities of the area, and to protect future resident's amenity.

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [Placemaking and Sustainable Development PS 1 & PS 2; Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area); Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2; H 11: Purpose Built Student Accommodation; Historic and Cultural Environment HC 1 & HC2; Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety); RC4 & RC 12 - Office Development; Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 (Ecological Networks / Biodiversity); T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking; Policy EU4: Public Utilities and New Development; Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development.

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- 2 Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out.

Please contact the Highway Authority's Network Management Team at [networkmanagment@swansea.gov.uk](mailto:networkmanagment@swansea.gov.uk), allowing sufficient time for preparation and signing the agreement.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. All design and implementation will be at the expense of the developer.

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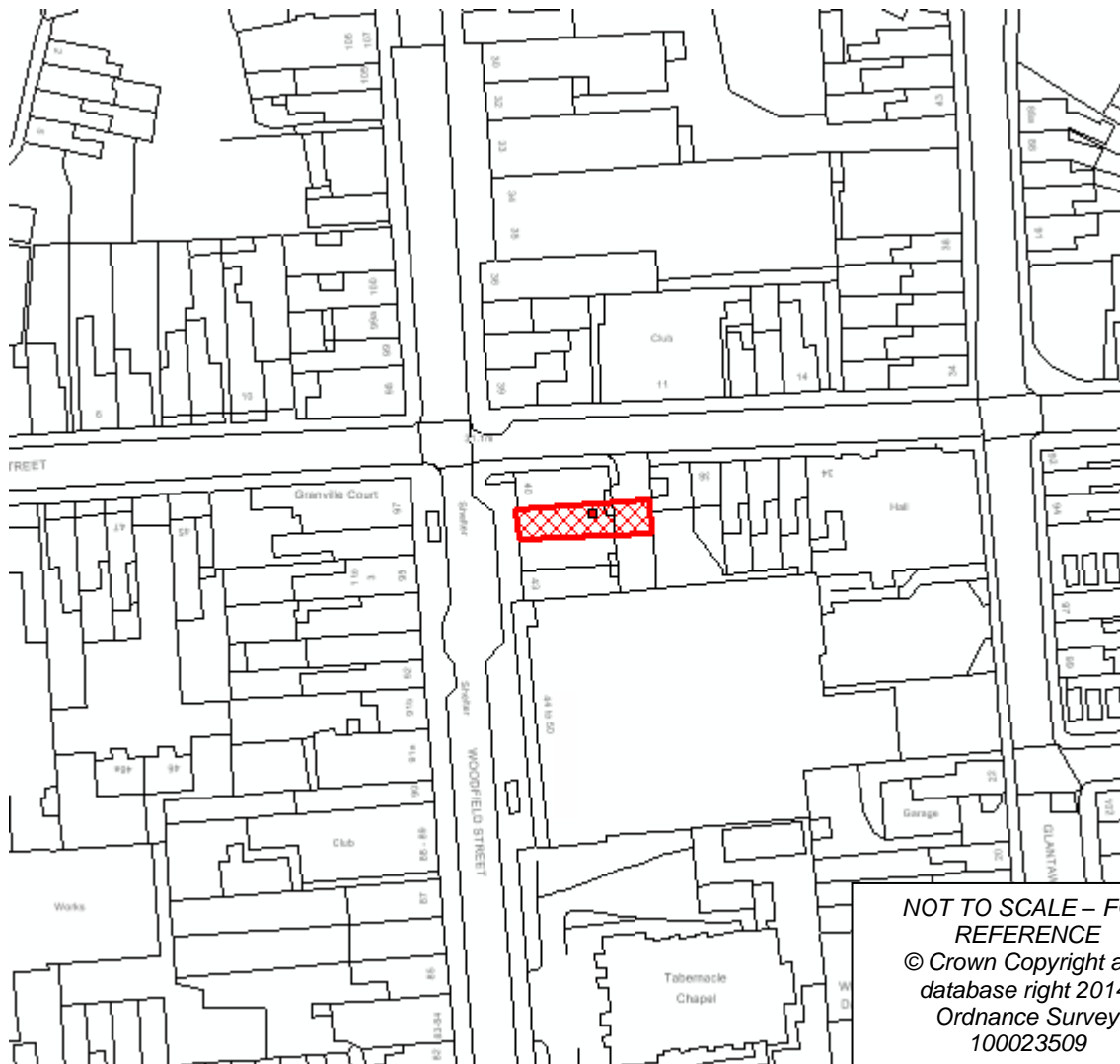
Ward:

Morrison - Area 1

Location: 41 Woodfield Street, Morrison, Swansea, SA6 8AG

Proposal: Change of use from retail shop (Class A1) to a cafe/takeaway (Class A3)

Applicant: Mr. Imran Jaura



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### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
2021/0501/FUL	Installation of new exhaust duct for a new dilution system for the heating system and associated works including a hole to be created in the east wall at lower ground floor level and alterations to a sash window and proposed route of the broadband cable (Amended plans received for increase in flue height)	PCO	
97/6055	RETENTION OF 2 NO. NON ILLUMINATED FASCIA SIGNS ON FRONT ELEVATION	APP	25.07.1997
97/0761	REMOVABLE WINDOW AND DOOR SCREENS TO SHOPFRONT	APP	25.07.1997
89/6024/06	PROJECTING SIGN.	APP	04.04.1989

#### Procedural Matters

This application is reported to Committee for decision given it is a departure from the Swansea Local Development Plan Policy RC9.

#### Background

There does not appear to be any relevant planning history for the application site.

#### Description

Full planning permission is sought for the change of use of the ground floor from retail (Class A1) a cafe/takeaway (Class A3) at 41 Woodfield Street, Morriston.

#### Assessment of the immediate area

The application site forms part of the Morriston District Centre, which is predominantly comprised of traditional terraced commercial properties. The site also forms part of the Morriston Conservation Area. Located around 5km north of the City Centre, the District Centre at Morriston is the largest in the County in terms of unit numbers with nearly 180 premises.

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It is a well established District Centre having served generations of surrounding communities, predominantly in the north east of Swansea.

### **The National Development Framework: Future Wales - the National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 28 - National Growth Area - Swansea Bay and Llanelli

### **Planning Policy Wales (11th Edition) 2021**

#### **Good Design Making Better Places**

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

#### **Access and Inclusivity**

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness.

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Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

**Environmental Sustainability**

3.7 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, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

**Character**

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

**Community Safety**

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

**Movement**

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.



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Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

**Car Parking**

4.1.49 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.51 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

**Integrating Green Infrastructure and Development**

**Adopted Swansea Local Development Plan (2010-2025)**

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

RC 2 Retail and Leisure Development - Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development.

RC 5 District Centres - There are 9 designated District Centres. Proposals will be required to maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities and be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre

RC 9 Ground Floor Non-Retail Uses within Centres - Within the Swansea Central Area Retail Centre and District Centres, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre, having regard to the specified policy principles. Business (Class B1) and residential (C3) uses will not generally be supported at ground floor level.

HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment Page 104  
in full compliance with policy principles.

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HC 2 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.

T 5 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.

T 6 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.

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

**Supplementary Planning Guidance (SPG):**

The supplementary planning guidance documents: 'District Centres, Local Centres and Community Facilities and 'City and County of Swansea Parking Standards' are also relevant to the determination of this application.

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of the SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

**Main Issues**

The primary considerations during the determination of this application relate to the impact of the proposal on residential and visual amenity, the principle of residential development in this location, highway safety and trees, having regard to Policies PS2, RC5, RC9, HC1, HC2, T5 and T6 of the adopted Local Development Plan.

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Policy RC5 designates the Swansea district centres and states:

*Within designated District Centres proposals will be required to:*

- i. Maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities;*
- ii. Be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre;*
- iii. Ensure that ground floor uses contribute to an attractive and vibrant street scene throughout the day;*
- iv. Retain the predominant shopping role and function of the Centre;*
- v. Be consistent with the aims of maintaining and improving the quality of the physical environment, the provision of short term parking, and accessibility by public transport and Active Travel.*

Policy RC9 sets out the considerations for non-retail uses within district centres at ground floor level:

*Within the Swansea Central Area Retail Centre and District Centres, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre, having regard to:*

- i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre, with a presumption against proposals that result in a continuous run of 3 or more non-retail uses;*
- ii. The effect upon the shopping function of the centre, either individually or in combination with other non A1 retail uses;*
- iii. The nature and design of the shop front and window display that is to be provided;*
- iv. The location and character of the unit and/or site, including its relative proximity to the most primary frontage and its relative importance for retention as a retail use by virtue of its: design; orientation; size; or siting;*
- v. The impact of the proposed use upon the amenity of adjacent or nearby residents and businesses;*
- vi. Whether the development allows for, or retains the effective use of, upper floors; and*
- vii. The likelihood of the unit remaining vacant for a significant period of time, to be informed by evidence of appropriate marketing undertaken over a minimum of 12 months to establish a retail occupier.*

*Business (B1) and residential (C3) uses will not generally be supported at ground floor level.*

**Responses to Consultations**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters and the posting of a site notice within the vicinity of the application.

No representations have been received to date.

## Placemaking and Strategic Planning

### Principle of Development

The application site is located within the Morriston District Centre (Policy RC 5). The main issue for consideration is whether the potential loss of retail units (Class A1) within the Morriston District Centre will have an unacceptable impact on the Centre's primary retail function. Policy RC5 requires all planning applications to retain the predominant shopping role and function of Centres, but does also recognise that a range of commercial and community facilities can generate footfall and help maintain a Centre's vibrancy and attractiveness. Regard must be given to the five criteria listed in the Policy. I have addressed these individually below:

i. Maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities;

The policy amplification states that District Centres can provide opportunities for an appropriate blend of non-retail uses that can play an important role in sustaining vitality and viability. Therefore it is considered that the change of use to a restaurant (Class A3) is acceptable in this location.

ii. Be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre;

The proposed unit is currently vacant and demand for new retail provision is low which has been exacerbated by the Covid-19 pandemic. The proposal could have a positive impact on the area by increasing footfall. Increased footfall will add to the centres vibrancy and viability

iii. Ensure that ground floor uses contribute to an attractive and vibrant street scene throughout the day;

The existing unit provides an active frontage at street level that any future occupant must maintain. Furthermore, it is vital that any future occupant trades during normal shopping hours and is not to operate solely for the night time economy. If this application is to be approved it should be conditioned accordingly to control the operating hours.

iv. Retain the predominant shopping role and function of the Centre;

Policy RC5 supports a range of uses in addition to Class A1 retail, which includes Class A3 food and beverage premises, in the interests of sustaining a mix and balance of uses that can generate footfall and help maintain vibrancy and attractiveness. Notwithstanding this this criteria does highlight the need to respect the primary shopping function of the Centre. The preference for retain and encouraging retail where possible and ground floor level, as set out in the policy, must be balanced against the realities of the fundamental shift in the retail industry and shopping habits. It is also the case that cafés and restaurants provide an important function in their own right ensuring that footfall generated by the primary retail function of the Centre is retained within the Centre, and consumers and shoppers do not have to leave the Centre during the course of their shopping trip, thereby retaining economic activity in the Centre.

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An on balance decision should be reached as to whether approval of this application would overall deliver benefit to the Centre and would not have an adverse impact on the primary shopping function.

v. Be consistent with the aims of maintaining and improving the quality of the physical environment, the provision of short term parking, and accessibility by public transport and Active Travel.

Morrison is highly accessible by foot and public transport, with services connecting the District Centre with outlying residential areas as well as the City Centre. On street parking is available along the length of Woodfield Street and connecting residential streets. In addition, around 120 spaces are available in off-street car parks.

Decisions on the suitability of Class A3 proposals should also be made having regard to the criteria set out in Policy RC 9 Ground Floor Non-Retail Uses within Centres. The policy states that, within the Morrison District Centre, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage or have a significant adverse impact upon the vitality, viability or attractiveness of the Centre. Regard must be given to the seven criteria listed in the Policy which have been addressed below:

i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre, with a presumption against proposals that result in a continuous run of 3 or more non retail uses

The site lies in the centre of Morrison District Centre. Morrison is a well established Centre, the largest in the County, which offers a good range of shops and services. Policy RC 9 seeks to protect Retail (Class A1) uses at ground floor level within Centres, any proposal that would lead to a continuous run of 3 or more ground floor non-retail uses within a centre would not be considered acceptable. If the application was approved this would not create a continuous run of 3 or more non-retail uses.

ii. The effect upon the shopping function of the centre, either individually or in combination with other non- A1 retail uses

The location of non-retail uses within close proximity to the application site does give rise to a degree of concern on the impact of the centre's primary retail function. However Policy RC9 does recognise that, in addition to Class A1 retail, a range of uses within Centres can generate footfall and help maintain the Centres vibrancy and attractiveness. Ultimately, an on balance decision should be reached as to whether approval of this application would overall deliver benefit to the Centre and would not have an adverse impact on the primary shopping function.

iii. The nature and design of the shop front and window display that is to be provided

The site lies within the Morrison Conservation Area (Policy HC 1). A comprehensive review of Morrison Conservation Area was undertaken in November 2017. The review identified an erosion of traditional detail along Woodfield Street and raised concerns about the general character of the area. A step change in the quality of alterations and commercial frontages is needed along Woodfield Street to halt the erosion.

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The Council has adopted an updated Shop Front Design Guide as Supplementary Planning Guidance (SPG) which is used to guide proposals for new commercial frontages. The guidance provided in the Conservation Area Review provides specific information for the Morriston Conservation Area and these documents will work hand in hand to guide such proposals in this area. The existing unit provides an active frontage at street level that any future occupant must maintain.

iv. The location and character of the unit and/or site, including its relative proximity to the most primary frontage and its relative importance for retention as a retail use by virtue of its: design; orientation; size; or siting;

The site sits amongst a development of 4 identical units. It sits to the west of the centre of Woodfield Street which hosts a mix of uses and some vacant commercial premises. It is significant to note that a large A1 unit, currently occupied by 'Wilko', is in close proximity to the application site.

v. The impact of the proposed use upon the amenity of adjacent or nearby residents and businesses

It is considered that the proposal could have a positive impact on the area by increasing footfall. Increased footfall will add to the centres vibrancy and viability. It is essential that any future occupant maintains an active frontage.

vii. The likelihood of the unit remaining vacant for a significant period of time, to be informed by evidence of appropriate marketing undertaken over a minimum of 12 months to establish a retail occupier.

The applicant suggests that the unit has been vacant for 18 months, which is an important consideration. However the applicant has been unable to produce evidence of marketing the unit for a period of 12 months or more. It is noted that the unit is currently being marketed as a Class A1 retail unit. Therefore, despite the lack of marketing evidence, it is reasonable to conclude that the unit is unlikely to be successfully marketed as a retail unit.

Regard must also be given to the latest National guidance and the severe economic impact of the Covid-19 pandemic. Edition 11 of Planning Policy Wales (PPW) recognises the importance of sustaining and enhancing Centres and encourages a diversity of activity and uses within Centres. Significantly, it states that, where economic decline is impacting on a retail and commercial centre, a sole emphasis on retaining A1 uses in premises - either in primary or secondary areas - that have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances PPW encourages planning authorities to consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels. Welsh Government have published guidance that reaffirms its commitment to placemaking with a people-focused and placemaking-led recovery from the pandemic. The Building Better Places: The planning system delivering resilient and brighter futures guidance includes specific reference to commercial centres. Welsh Government recognises that retailers are facing financial difficulty and as a consequence vacancy rates are expected to rise dramatically in commercial centres. To prevent this it emphasises how commercial centres must adopt a more flexible approach allowing for more leisure uses, amongst other uses, to create a hub of activity thus making commercial centres viable as go-to destinations once again.

Furthermore, to support the reopening of businesses and their efforts to create safe environments for the public to feel confident to return to the high street the Welsh Government are temporarily relaxing planning control for specified development through amendments to the Town and Country Planning (General Permitted Development) Order 1995 (the "GPDO"). It is notable that within a defined centre, for a temporary period, change of use from Class A1 to Class A3 is not required. In the short term, the Welsh Government wants to facilitate temporary changes of use to enable businesses to trial alternative uses within town centres for a short period of time. This is intended to enable them to trial alternative uses and get initial feedback as to whether the start-up is likely to be viable without the expense and delay associated with submitting a planning application.

### Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

FW Policy 2 (see Annex A for details) sets out that:

- o development should adhere to the defined placemaking principles in order that they positively contribute towards building sustainable places that support well-being objectives,
- o opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- o all proposals should be assessed having regard to the defined placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- o development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- o the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- o development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

### Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, the Development Plan also places significant emphasis on integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ("the S6 duty").

FW Policy 9 and PPW (see Annex A for details) require that:

- o all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
- o a clear approach is taken to considering biodiversity and securing overall enhancement.

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Adopted SPG - Biodiversity and Development (see Annex B for details) provides:

- o guidance on how the requirement for biodiversity can be addressed and assessed.
- o details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals

**Final Comments**

In summary, despite the concerns regarding a loss of A1 use in the Morriston District Centre, the proposal would not result in a row of 3 non-retail units. The inherent benefits of an A3 use are acknowledged and regard also given to the latest National Guidance. As a consequence, subject to the Case Officer being in agreement that there are no other issues to consider regarding the principle of the use change, after careful consideration, on balance in this instance the proposed change of use from A1 to A3 is considered acceptable at this current time. However It is vital that any future occupant trades during normal shopping hours and is not to operate solely for the night time economy. If this application is to be approved it should be conditioned accordingly to control the operating hours. National and local planning policy recognises that an appropriate mix of uses can maintain the viability of Centres as go-to destinations.

**Pollution Control**

No response received to date.

**Local Highway Authority**

The site is well served by public transport and limited waiting on street car parking, being located within the shopping centre of Morriston.

Servicing is undertaken to the rear via an existing service door onto a service road (accessed off Slate Street). That facility is being retained.

There are not considered to be any highway issues arising from the proposed change of use.

I recommend that no highway objections are raised to the proposal.

**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 unit as a hot food takeaway, impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts.

**Principle of Use**

There are a number of commercial units within the recognised District Centre and there is a mix of differing commercial uses which complement one another.



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The Authority's SPG, 'District Centres, Local Centres and Community Centres' acknowledges that whilst appropriate supporting uses can complement retail shops, the shopping function of District and Local Centres can be eroded by incremental planning consents for non-retail use. Consequently, when considering such proposals it is vital that an assessment is carried out on the impact of the proposed change of use on retail frontages, as well as the overall impact upon the vitality, attractiveness and viability of the Centre.

The SPG states that the primary frontage should maintain a high level of retail units in order to safeguard the shopping frontage. National planning policy guidance emphasises the importance of ensuring ground floor use class changes are not permitted where this would create a predominance of non-retail uses that would lead to an unacceptable dilution of the retail frontage or undermine the attractiveness of the Centre.

The application unit form part of the primary frontage of the designated District Centre, which as required by the SPG should not have any less than 50% of the units as non-retail. This section of the primary frontage is made up of 11 units, 9 of these units appear to be in A1 use, (7 of which are Wilko), one appears to be a tanning salon and one is the application site which is currently vacant. The loss of a single A1 unit would not reduce the concentration of A1 units within this area to an unacceptable level.

The loss of the unit is compliant in concentration terms, however there are other considerations within Policy RC9. The proposal would not result in more than 3 non-retail uses in a row, nor is the unit considered to be a substantial size or importance that it would result in the loss of an important unit. The nature of the proposed café/hot food takeaway is not strictly a desirable use within a primary frontage as it is unlikely to create the same level of daytime footfall as a retail unit.

No evidence has been submitted to suggest that the application site has been advertised for a period of 12 months, however the applicant has stated that the retail unit has been vacant for a period of 1.5 years.

Whilst the proposal is not strictly in compliance with the aims of Policy RC9, given the lack of marketing, it is noted that there are other circumstances to consider. Firstly it is considered that the proposal would be in compliance with Policy RC5, insofar that it would supplement and compliment the existing retail uses within the centre. It is also noted that in the current climate retail businesses are struggling and the use of the unit being active is of more positive benefit than an empty retail unit. The shop unit is relatively small and in the current economic climate is not likely to attract modern retail development.

On that basis it is considered that the proposal would be acceptable in this instance and would have an acceptable impact on the vitality and viability of the centre. It is considered that given the scale and setting of the unit the marketing of the property for a period of 12 months without interest is not required in this case. The proposed business would complement the retail and non-retail uses within the centre and have a more positive impact on footfall compared to an empty unit.

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### **Visual Amenity**

The proposal does not include any external alterations to the shopfront, therefore it is not considered that any impacts upon the visual amenity of the area or the conservation area would be had from the proposed development. It is proposed to have a small area of outdoor seating of two tables and chairs. Given the limited number of tables proposed and the width of the pavement outside the unit, it is not considered that this would give rise to any visual amenity concerns.

### **Residential Amenity**

In regards to residential amenity there are no impacts to consider in regards to increased overbearing, overshadowing or overlooking. In terms of noise and disturbance a certain level can be expected within a district centre and the proposed opening hours (08.00 - 23.00) are consistent with existing similar uses to the centre. However, it is considered necessary to impose a condition with regards to opening hours to ensure that the use does not operate outside of these hours and that customers are also not on the premises outside these hours. This will ensure that the residential amenity of neighbouring occupiers is protected.

### **Parking and Highway Safety**

It is considered that a district centre is an appropriate location for commercial uses given the level of short term parking available and transport links. In terms of demand for parking spaces it is not considered that there would be a significant increase from the proposed change of use. Therefore the impact on highway safety is considered to be acceptable in this instance.

### **Conclusions**

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed change of use would result in the loss of a retail unit. However it is not considered that this would have a negative impact on the vitality and viability of the district centre. The proposal would comply with LDP policies PS2, RP2, RC5, RC9, HC1, HC2, T5 and T6 and therefore it is considered that the development is compliant with the requirements of the Swansea Local Development Plan and advice provided within the District Centres, Local Centres and Community Centres (2010).

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.

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## 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:  
  
Location plan, proposed layout, 19th April 2021.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The use hereby approved shall not operate, and no customers shall be allowed on the premises, between 23:00 hours and 08:00 hours on any day.  
Reason: To safeguard the amenities of neighbouring residents.

### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:  
  
Policy 1 - Where Wales Will Grow  
Policy 2 - Shaping urban growth and regeneration - Strategic placemaking  
Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership  
Policy 28 - National Growth Area - Swansea Bay and Llanelli  
  
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, RC5, RC9, HC1, HC2, T5, T6 and RP2.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

Planning Committee – 3<sup>rd</sup> August 2021

Item 7

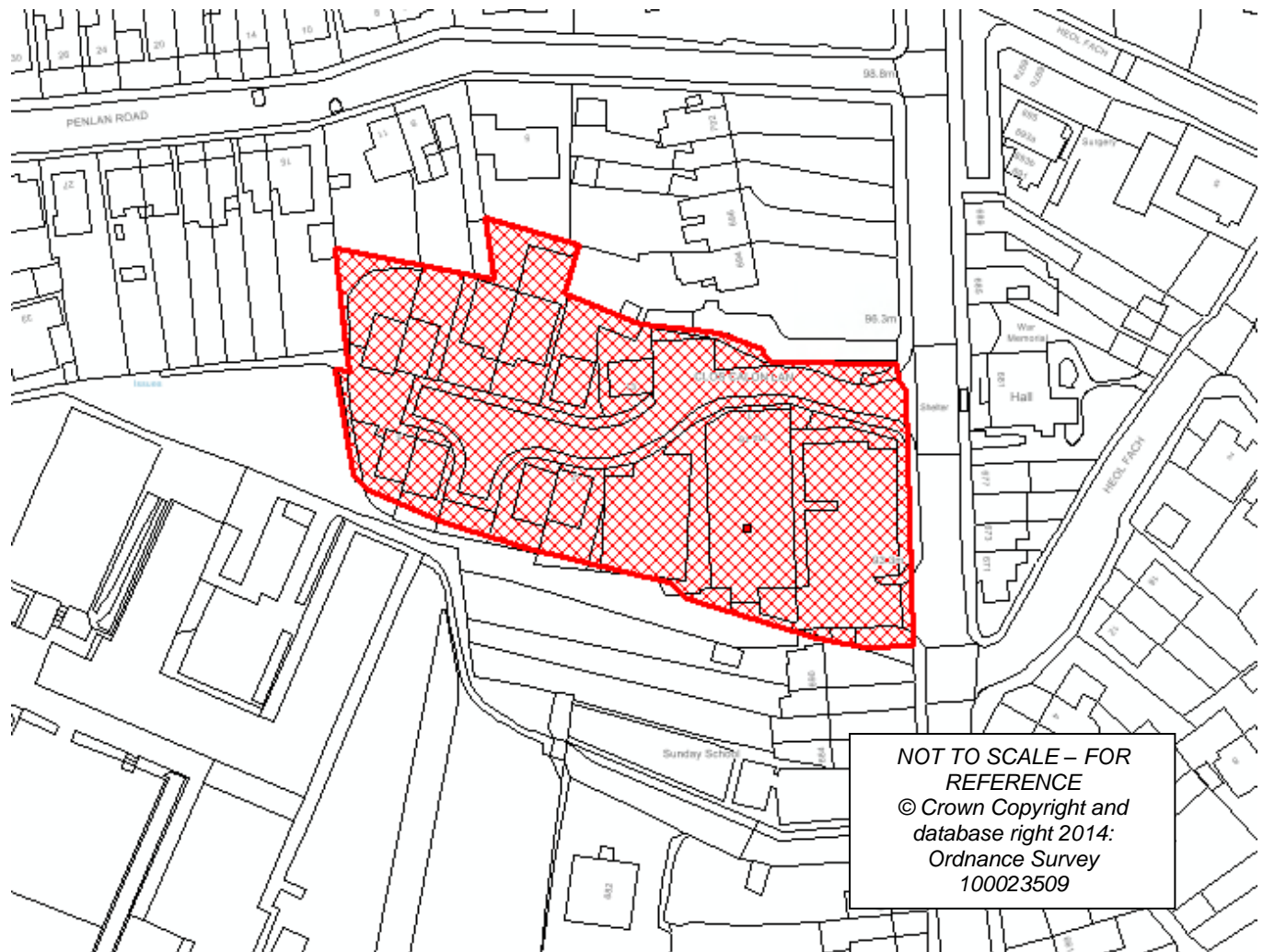
Application Number: 2021/1401/106

Ward: Mynyddbach - Area 1

Location: Former Pines Country Club, 692 Llangyfelach Road, Treboeth, Swansea, SA5 9EL

Proposal: Modification of Section 106 agreement dated 5th March 2018 linked to 2017/2572/FUL dated 7th March 2018 and 2020/1443/106 dated 26th February 2021 to allow for 690 and 688 Llangyfelach Road to remain an individual residential units

Applicant: Mr Mark Flynn



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### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
2020/1443/106	Modification of Section 106 agreement dated 5th March 2018 linked to 2017/2572/FUL dated 7th March 2018 to allow for the restricted residential use of 690 Llangyfelach Road in association with 688 Llangyfelach Road.	S106	26.02.2021
2020/2198/NMA	Non-Material Amendment to Planning Permission 2017/2572/FUL granted 7th March 2018 to make an amendment to the landscaping details covered by Condition 5	APP	20.11.2020
2018/0110/PND	All structures associated with 690 Llangyfelach Road are proposed to be demolished (application for Prior Notification of Demolition)	PGRA NT	06.08.2018
2021/1401/106	Modification of Section 106 agreement dated 5th March 2018 linked to 2017/2572/FUL dated 7th March 2018 and 2020/1443/106 dated 26th February 2021 to allow for 690 and 688 Llangyfelach Road to remain an individual residential units	PDE	

#### Background

Planning permission was granted in 2018 under planning application 2017/2572/FUL for the following development:

"Mixed-use development comprising 28 residential dwellings and two commercial units (Class A1)"

The application was granted with a Section 106 agreement that sought, amongst other things, to prevent the residential use of the adjoining end of terrace property at No. 690 and for the property to be demolished prior to the occupation of the development.

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The reason for this requirement was due to the overbearing impact the new development would have on the occupiers of No. 690. The committee report set out these concerns as follows:

"The main body of the proposed three storey block would be sited some 1.5m from the side garden boundary of No. 690 Llangyfelach Road, whereas the staircase block would be sited directly on the boundary. The proximity of the building to this boundary, its overall mass and, in particular, the elevated level at which it would be sited in relation to this property would result in the occupiers of No. 690 experiencing significant physical overbearing impacts, mainly when within the rear garden. No. 690 is, however, within the applicant's ownership and the submission plans indicate that this property is proposed to be demolished and a tree lined landscaped area would be provided. In this respect a prior notification application for the demolition of the property has been submitted (REF: 2018/0110/PND) and is currently being considered by the Local Planning Authority. In view of the impact of the development upon the dwelling at 690 under normal circumstances the application would be recommended for refusal for this reason, however, as this property is within the applicant's control they have indicated their willingness to enter into a Section 106 planning obligation to prevent the property being used as a residential dwelling. This would ensure that the harmful impacts described above would not occur. The requirement to enter into a S106 planning obligation to achieve this aim is considered to be necessary, directly related to the development and reasonable in order to address the impacts identified above".

The applicant is now seeking to vary the requirements of the Section 106 to allow the No. 690 to remain as a single residential dwelling.

A modification to the S106 was made under application 2020/1443/106 which allowed for the retention of No. 690 as a residential dwelling in connection with No. 688. It was determined in this application that the impact of the development would not be so significant if Nos. 688 and 690 were used as one single dwelling.

### **Site Location**

The application site was formerly occupied by the Pines Country Club, which was demolished several years ago. There are residential properties fronting Llangyfelach Road and Penlan Road to the north and south of the site. To the west and south west are the dwellings on Penlan Road and Gwyrosydd Primary School respectively. On the opposite side of Llangyfelach Road is the Treboeth Community Hall and a row of traditional terraced properties.

### **Description of Development**

This application is for the modification of provisions within the Section 106 agreement attached to planning permission 2017/2572/FUL relating to the mixed use commercial and residential development at the former Pines Country Club. In particular, the application specifically seeks to modify the following provisions within the S106 that require:

#### *Residential Use*

*The Owners must ensure the cessation of the residential use of 690 Llangyfelach Road, Treboeth on the grant of Planning Permission.*

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*Demolition Works*

*Following the approval of the Demolition Prior Notification Application the Owners shall carry out and complete the demolition works prior to the occupation of any dwelling.*

**Planning Policy**

**The National Development Framework: Future Wales - the National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

**Planning Policy Wales (11th Edition) 2021**

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children.

There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

### Environmental Sustainability

3.7 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, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

### Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

### Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.



## Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

## Car Parking

4.1.49 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.51 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

## Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes.

There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

#### Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans

#### Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.<sup>140</sup> In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

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6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

### **Adopted Swansea Local Development Plan (2010-2025)**

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 3 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.

### **Consultations**

The Ward Councillor was notified of the application on 1st June 2021, no response has been received to date.

### **Local Highway Authority**

Car parking and vehicular access are as existing. There are not considered to be any highway issues arising from the modifications to the S106.

I recommend that no highway objections are raised to the proposal.

### **APPRAISAL**

#### **Main Issues**

On an application for modification by agreement pursuant to section 106A(1)(a) of the 1990 Act the Courts have considered the matters that a Council must have regard to (see R(Bachelor Enterprises Ltd) v North Dorset District Council [2003] EWHC 3006 and in R(Millgate Development Ltd) v Wokingham DC [2011] EWCA Civ 1062).

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The Council has to ask itself:

- a. Does the existing planning obligation still serve a useful planning purpose?;
- b. If it does and modification is proposed, then the question is whether that planning purpose could be equally served by the proposed modification?
- c. If it would, then the Council should agree to the modification;
- d. If it would not then the Council should refuse the application to modify.

Any decision by the Council to agree to a modification of the S106 agreement could be the subject of a challenge via Judicial Review however the decision cannot be appealed.

### **Does the agreement still serve a useful purpose?**

The relevant section in the Committee report reproduced above highlights that the approved development would have a harmful impact on the occupiers of No. 690 due to the overall mass of the development in proximity to the rear garden boundary. The report noted the physical overbearing impact would be significant "mainly when within the rear garden".

The Committee report was written having regard to the circumstance at the time when the property benefitted from an unrestricted residential use. The applicant (Coastal Housing Group) purchased the property prior to the submission of the application in the knowledge that the development of the 'Pines' site may compromise the living conditions of any residential occupiers of No. 690. Through discussions with officers it was considered at the time that a S106 agreement to prevent the residential use of No. 690 and to demolish the building prior to the occupation of the development would address the identified harm. It should be noted that a prior notification application for the demolition of the property has been approved under application 2018/0110/PND.

The submitted Planning Statement references the previous amendment to the 106 which allowed for Nos. 688 and 690 to be used as one single dwelling. It is argued in this statement that due to this amendment the original concerns with regards to the impact of the development on No. 690 are no longer relevant. This is simply untrue; the officer report for the previous S106 amendment clearly set out that the amendment was only acceptable as the dwellings would be used as one single residential unit and the impact of the development (which was primarily to the rear amenity space of No. 690) would not be so significant as the occupiers of the resultant dwelling would have use of the amenity space of both Nos. 688 and 690.

To re-iterate, the Committee report for the original application stated that the proposed development would be "1.5m from the side garden boundary of No. 690 Llangyfelach Road, whereas the staircase block would be sited directly on the boundary. The proximity of the building to this boundary, its overall mass and, in particular, the elevated level at which it would be sited in relation to this property would result in the occupiers of No. 690 experiencing significant physical overbearing impacts, mainly when within the rear garden. No. 690". Therefore the proposed use of No. 690 as an individual residential dwelling is not appropriate and would render the whole development unacceptable, hence the reason for the original planning obligation.

It is therefore considered that the restrictions and requirements within the S106 do currently serve a useful purpose and the S106 should not therefore be amended.

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**Would the planning purpose be equally served by the proposed modification?**

As highlighted in detail above, it is not considered that the planning purpose would be equally served by the proposed modification. The Section 106 Agreement is still therefore necessary and should not be amended to allow unrestricted residential use of No. 690 Llangyfelach Road.

**Conclusion**

The proposal is to amend the wording of the existing S106 agreement to allow for the residential occupation of No. 690. The restrictions and requirements within the S106 do currently serve a useful purpose and the S106 should not therefore be amended.

**RECOMMENDATION:**

**Members REFUSE the modification of the S106 Agreement**

**Informatives**

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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, RP2, RP3.

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