

Planning Committee – 5th March 2024

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Application Number:

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To the northeast of the site is a large industrial and retail estate within the district of Fforest-fach approximately 1.1 km from the site, this adjoins directly onto the residential area of Portmead which is approximately 2.3 km north east of the site.

To the east and south are open fields and wooded areas with Cockett approximately 1.6 km to the east of the site. The south eastern boundary of the site backs directly onto Cwmllywd Wood, with an expanse of open fields before reaching the district of Sketty approximately 1 km from the site. The centre of the City of Swansea is approximately 4.8 km to the south east of the site. The village of Killay sits approximately 1 km to the south of the site. Approximately 0.5 km to the south west is a small industrial site called Craig-y-Bwldan, and approximately 1.2 km to the southwest is the district of Duvant.

Approximately 0.2 km to the east of the site are isolated properties, immediately followed by Waunarllwydd Road. Beyond this road are open fields, followed by Cockett approximately 1.7 km east of the site.

The site is accessed via a track located off Waunarllwydd Road and is located within the North East Gower and Cockett Valley Special Landscape Area.

Description of Development

The application site is currently being used as a solar farm since its construction completion in 2017, following permission granted under planning application ref. 2014/1837 in August 2015.

This is a Section 73 application for the variation of conditions 2 (Plans), 4 (Landscape and Habitat Management), 7 (Surface Water Management Plan), and 10 (Sustainable Drainage System) of planning permission 2014/1837 granted 18th August 2015 for the construction of a 4MW solar farm comprising c. 14,790 individual panels and associated structures and works to allow for the following amendments:

- extension of security fence to encompass Distribution Network Operator (DNO) substation building, and addition of extra gate. The extra fencing will be 2.4m in height and would be palisade instead of post-and-wire to enhance security at the site; and will be required to sit a minimum distance of 2 m from the substation for safety reasons.
- removal and relocation of planting which is currently situated outside the security fence in line with the approved details of the previous landscaping scheme.
- additional CCTV cameras/poles. Increase from 5 to a total of 32 camera poles with 34 cameras for full perimeter CCTV coverage. Each pole would reach a maximum height of 2.4m and will be 0.20m wide and made of metal and will be situated approximately 2m within the wire mesh security fencing, located in various positions around the perimeter of the site; and
- improvement to drainage system to prevent road erosion. The access tracks within the site have suffered from erosion due to run off, so it is proposed to open unlined filter trenches along the southern side of each roadway to collect and infiltrate flows. Any excess flows would overflow into the existing swales. The filter trenches would help draw out water within the subbase of the roadway, thereby reducing the potential for water logging.

The proposed development is required due to the on-going industry wide vulnerabilities with theft and vandalism associated with solar farm sites. The additional measures will enable the site to be protected from future theft and vandalism and ensure the site remains operational.

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This S73 application has been supported by the following revised submitted documents and information:

- Planning Statement
- Revised plans and details relating to site layout, fencing, landscaping and CCTV details.
- Updated Surface Water Drainage Plan.
- Landscape and Visual Statement;
- Surface Water Management Plan (SWMP).

Planning History

An application for the construction of a 4MW solar farm comprising c. 14,790 individual panels and associated structures and works, was approved with conditions on 18/08/15, ref: 2014/1837.

A non-material amendment application to planning permission 2014/1837 granted 18th August 2015 to reduce the foot print of the solar array, reduce the height and increase the width of the individual solar panel, relocate the access road, amend the landscaping area, re-location of the Northwestern substation, re-location of Eastern substation and client substation and change in substation dimensions, was approved on 17/04/17, ref: 2017/0473/NMA.

A pre-application for modifications to planning permission 2014/1837 for - Construction of a 4MW solar farm comprising c. 14,790 individual panels and associated structures and works to allow for an extension of the perimeter fence, retention of as built substation and removal of tree planting condition, was given a mixed response on 03/09/20, ref: 2020/0867/PRE.

Section 73 Procedures

This Section 73 application relates to planning permission 2014/1837.

Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decided the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

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

Planning Policy Wales (12th Edition) 2024

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.

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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.

Development in the Countryside

3.60 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

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. 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.

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.

Local Energy Generation

5.9.11 The Welsh Government encourages the use of local renewable and low carbon energy as part of the imperative to reduce carbon emissions. Renewable and low carbon energy developments offer significant potential for communities and small businesses to develop their own projects for local benefit.

Locational Policies for Renewable and Low Carbon Energy Development

5.9.14 Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify the most appropriate locations for development of energy developments below 10MW. There should be a presumption in favour of development in identified areas, including an acceptance of landscape change, with clear criteria based policies setting out detailed locational issues to be considered at the planning application stage.

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5.9.15 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

5.9.19 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:

- 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.

5.9.23 The Welsh Government has produced separate practice guidance highlighting the planning implications of a wide variety of renewable energy technologies.

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Adopted Swansea Local Development Plan (2010-2025)

PS 1 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.

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

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.

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 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 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.

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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.

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.

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.

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.

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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.

Supplementary Planning Guidance:

The supplementary planning guidance documents: '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.

Consultations:

Local Highways Authority:

There are no highway safety issues associated with the variation of conditions as submitted.

I recommend that no highway objections are raised to the proposal.

NRW:

We have considered the information submitted in support of the application for the Variation of condition 2 (plans) of planning permission 2014/1837 and offer no objection.

We note that conditions 4 (Landscape and Habitat Management), 7 (Surface Water Management Plan) and 10 (Sustainable Drainage System) were not requested by NRW under the original planning application. Therefore, we have no comments to make on the variation of these conditions.

However, we would look to your Authority to ensure that the pollution prevention measures and environmental management requirements within condition 11 (Construction Environmental Management Plan) of planning permission 2014/1837 are followed during the construction of the proposed new drainage system.

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Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

The Coal Authority:

The Coal Authority has no objections as none of the conditions on the planning permission are mining related. This is further reinforced in that solar arrays are now exempt from requiring coal mining risk assessments.

Ecology:

The Authority's Ecologist raised no objection to the proposal and agreed that the revised landscaping plan is acceptable.

Landscaping:

The Landscape Team are in agreement that the landscape and habitat management proposals submitted satisfy Condition 4.

Trees:

The Authority's Arboriculturist/Tree officer raised no objection to the proposal.

Welsh Water:

Further to our previous response (Ref: 2023/1240/S73), in principle, we maintain no objection to the application for variation of conditions 2, 7 and 10 on permission 2014/1837 on the understanding the development proposes to dispose surface water flows to filter drains, as per the latest submitted 'Access Road Surface Water Drainage Strategy'.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Drainage:

The Authority's Drainage Officer considers that the proposal is acceptable.

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Neighbour comments:

The development was advertised on site with a notice dated 9th June 2023. 2 residents on Barnabas Close were also consulted on 12th June 2023. No public consultations were received to date.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to whether the proposed alterations to the stated conditions having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance are acceptable in terms of the principle of the development, visual amenity, residential amenity, highway safety, ecology, green infrastructure, trees and drainage. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle

The principle of a solar farm development in this location has already been established in the previous full consent (2014/1837). It is noted that the application was considered under previous local and national policies, prior to the adoption of the current relevant LDP. However, that consent has been implemented and substantially completed with the proposed amendments to the conditions that form this application having little bearing on the consideration of the principle of the siting of a solar farm in this location. Therefore, it can be considered that the principle of development is well established and acceptable in accordance with LDP Policies of the Swansea Local Development Plan 2010-2025.

Visual Amenity

The visual impact of the solar farm development as a whole has formerly been considered acceptable and approved under the previous full application (2014/1837). This Section 73 application is therefore to consider the visual impact of the proposed alterations to the originally approved scheme, including boundary treatment, hedge planting, CCTV poles and drainage details. The purposes of these amended details are to provide improved security following a number of acts of vandalism and theft on site and the prevention of water run off erosion of the access tracks located within the site.

It can be considered that the proposed alterations are relatively minor, especially when taking account of the development of the site as a whole. However it is also noted that the site is in a particularly sensitive location, both in the open countryside and in an area designated for landscaping protection (North East Gower and Cockett Valley). The application is supported by a Landscape and Visual Statement which concludes that with regard to Landscape, the proposed changes to the development are very unlikely to alter the levels of visual effect predicted within the previously submitted and approved Landscape and Visual Assessment. The submitted statement has been reviewed by the Authority's Landscaping Team and it is considered that the proposed details are acceptable. It is also noted that the proposals will provide a socio-economic benefit from improvements to the security of the site, preventing damage to the solar panels.

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The extension of the fence to encompass DNO substation building, and addition of extra gate would have a very limited direct physical effect on the landscape. There would be some extra posts in the ground, but it is considered that these would cause minimal disturbance to the ground and associated vegetation. Effects would relate more to a potential change in how the landscape is 'perceived' owing to its more industrial appearance; however, this area of the site is well screened from the surrounding landscape is not publicly accessible. This type of boundary treatment is also associated with infrastructure such as this within the surrounding area so is not considered to be out of keeping with the approved use of the site.

Relocation of the planting would visually alter the appearance of the site when looking towards the boundaries affected and therefore how the landscape is perceived. However, successful establishment of planting within the boundary would provide a backdrop of vegetation to the fence rather than open views of it as per the current situation. As the proposed changes would facilitate delivery of the visual mitigation of the site, it is considered to be in line with the approved scheme and the proposed changes are considered acceptable.

The current planning permission includes 5 CCTV poles, with an increase being required to provide full perimeter CCTV coverage as part of this application. Installation of the poles would be within the site and set into a small foundation that would have a very limited direct landscape effect. The poles would be at regular intervals along the boundary of the site but, at a maximum of 2.4 m in height, would not be imposing or protrude significantly above peripheral vegetation. In view of this, whilst the increase in the number of CCTV poles and cameras could be regarded as significant compared to what was previously approved, due to their height and location behind the current mesh fencing and the fact that there are already this type of development located on the site (albeit in a small number), it can be considered that they have become a recognised feature of the site since implementation, and therefore their visual impact is considered to be limited especially when considering the existing nature and use of the site.

The proposed changes to the drainage system would physically alter the landscape, but only within very discrete areas that fall within the site boundary and adjacent to the internal access roadways. These features will capture water and therefore naturally establish a variety of flora, this will benefit biodiversity and have a positive effect on landscape value. The small scale and low-level nature of these changes mean that it is very unlikely that they would give rise to any noticeable change to the development, with the only long-distance views into the parts of the site that are affected. As such, the incorporation of these features would have no effect on the levels of visual effect predicted in the previously submitted Landscape and Visual Assessment.

On balance and due to the existing nature and use of the site as an operational solar farm, it is not considered that the proposals would have any significant unacceptable impacts on the visual amenity of the site, nor have a significant impact on the visual character of the open countryside, landscape value of the Special Landscape Area or surrounding area. On that basis the proposed development is considered acceptable and accords with Policies PS2, ER5 and CV2 of the Swansea Local Development Plan 2010-2025.

Residential Amenity

In terms of the impact on residential amenity as a result of the proposed changes, it is not considered that the proposed amendments would result in any additional impact in excess of the existing approval.

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The proposed alterations to increase the number of CCTV poles and cameras at the site are not considered to have an unacceptable impact on any neighbouring residential properties as they will be sited inside the boundary fence, will be positioned in a downward position, and sited away from the shared boundaries with existing neighbours. The proposed alterations to the fence will be sited away from any existing residential properties and obscured from views by existing trees and vegetation and the relocation of the planting will help visually screen the site from view. The changes to the drainage will be located within the site and will therefore have no significant adverse effect on the existing residential amenities of the area. In view of this, the development, it is not considered to result in any unacceptable impacts in regard to overbearing, overlooking or overshadowing, nor result in any noise and disturbance above what is currently experienced at the site, and therefore accords with Policy PS2 of the Swansea Local Development Plan 2010-2025.

Highway Safety/ Active Travel

The Local Highway Authority have been consulted and raise no objections to the proposed development. The proposal would not give rise to any highway safety or car parking concerns.

Ecology

Initially, the Authority's Ecologist reviewed the submitted landscaping scheme and requested that the proposed hedgerow planting scheme was revised to include 5 different species in order to make it species rich. These changes have now been made and the Ecologist has confirmed that the revised landscaping scheme is acceptable.

Policy 9 of Future Wales (in addition to Policy ER9 and the Supplementary Planning Guidance Document - Biodiversity) require 'enhancement' of biodiversity at all levels. Action shall be taken to secure the maintenance and enhancement of biodiversity (to provide net benefit) and innovative, nature-based approaches to site planning and the design of the built environment are required. It is noted however that this application is for a relatively minor development and variation of conditions, and on that basis it is not considered reasonable to require ecological enhancement. Furthermore, the Authority's Ecologist has not required a condition, but agreed the species planting to the hedges, which could in itself be considered enhancement.

Green Infrastructure

Future Wales Policy 9 requires all applications to demonstrate the actions that have been taken to maintain and enhance biodiversity and ecosystem resilience, as well as relevant Green Infrastructure 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 (WCFG) 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 ER 6, ER 8, ER 9 and ER 11.

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Having regard to the requirement for development to address GI principles, it is noted that any such requirement should be proportionate to the scale and nature of the development. In this instance the proposal is principally concerned with minor alterations to an existing consent (which has already been implemented) relating to boundary treatment and drainage. On that basis whilst PPW requires a GI assessment including a 'Stepwise approach' at the local level, which sets out potential GI net gain, it is not considered that the development justifies the requirement of GI provision. Furthermore, it cannot be considered that the application should be resisted over a lack of GI assessment in this instance.

Trees

The Authority's Arboriculturist/Tree officer has not raised any objections to the proposal, and it can be considered that the development will have an acceptable impact on nearby trees and therefore accords with Policies ER9 and ER11 of the Swansea Local Development Plan 2010-2025.

Drainage

Initially, the Authority's Drainage Officer raised concerns regarding the lack of information provided within the Surface Water Strategy. Further information has now been submitted by the applicant in relation to pipe diameters, pipe gradients and filter drain cross sections which has been reviewed by the Drainage officer and who has raised no further concern to the proposed drainage plans and has confirmed that the drainage details can be considered acceptable and therefore accords with Policy RP4 of the Swansea Local Development Plan 2010-2025.

Other Matters

Given that this is a Section 73 application and involves the re-issuing of the original decision, the conditions associated with the original consent 2014/1837 will need to be carefully considered as to whether they need to be re-imposed or re-worded depending on the content. However, it is worth noting, that the works to construct the solar farm at the site are substantially completed and with conditions that have previously been discharged and subsequently no longer necessary.

In that regard condition 1 is no longer required as it requires that the development commences within a set time period and the development has now been fully implemented on site.

Condition 2 will be re-applied and amended to reflect the submitted plans to ensure they are built and implemented in accordance with the approved details.

Conditions 3, 4, 5, 6, 7, 8, 10 and 11 were discharged under application ref: 2015/1859. Conditions 4, 7 and 10 are under consideration in this application and it is considered that 4 and 7 and 10 can be removed as the agreed details will be secured by the revised plans condition. It is considered that conditions 3 and 5 are no longer relevant as the construction works have been completed on site and will not be applied to any new consent. Condition 11 will be re-worded to ensure that the pollution prevention measures, and environmental management requirements previously approved within condition 11 (Construction Environmental Management Plan) of planning permission 2014/1837 are followed during the construction of the proposed new drainage system.

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Condition 6 shall be re-worded to reflect the details agreed in the aforementioned discharge of condition application, and Condition 8 shall be re-applied.

Finally condition 9 was discharged under application ref: 2018/1296/DOC. This condition will be re-applied and worded to reflect the agreed details.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the proposal represents an acceptable development that would not have an adverse impact upon visual amenity, residential amenity, highway safety, ecology, green infrastructure, trees and drainage, in compliance with LDP Policies: PS1, PS2, PS4, ER1, ER2, ER5, ER8, ER9, ER11, T1, T5, T6, EU1, EU2, EU4, RP4 and CV2 of the Swansea Local Development Plan 2010-2025 (LDP), and the following Supplementary Planning Guidance Notes (SPG) - Parking Standards and Development and Biodiversity.

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

Recommendation

APPROVE subject to the following conditions:

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

Site location plan received 28th November 2014.

KV substation, met mast, site fence and maintenance, solar panel configuration, topography, zone of theoretical visibility, received 5th December 2014.

CKT-CS-04 security system layout proposed upgrade, CKT-GL-04 PV modules layout, CV RLS-1 revised landscape plan, DWD 01 surface water drainage, GMC-D-04 CCTV - typical pole details, UK-COC 087-11 layout, UK-COC 087-30-1 client substation views received on 5th June 2023.

S73 landscape and visual support statement, CV RLS-2 (Rev 1) revised landscape mitigation details received on 4th September 2023.

Access road surface water drainage strategy received on 18th January 2024.

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

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- 2 Any waste from the approved works shall be managed in accordance with the details agreed in application ref: 2015/1859, approved on 07/03/17.
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, in accordance with Policy PS2 of the Swansea Local Development Plan 2010-2025.
- 3 The mitigation and management recommendations described in section 6 of the Extended Phase 1 Survey received 5th December 2014 (REF: 404.05027.00002) should be implemented as stated.
Reason: In the interest of visual amenity and biodiversity, in accordance with Policies PS2 and ER8 of the Swansea Local Development Plan 2010-2025.
- 4 The details agreed in application ref: 2018/1296/DOC, approved on 20/06/18, in regard to:
- (i) A scheme detailing the removal of all surface elements of the photo voltaic solar farm and any foundations or anchor systems to a depth of 300mm below ground level;
 - (ii) A scheme detailing the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.
 - (iii) A timetable for completion of the works
- Shall be implemented within 12 months from the date of the last electricity generated, should the site no longer be utilised for the permission hereby granted, and completed in accordance with the approved timetable for completion of the works.
- Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner, in accordance with Policy PS2 of the Swansea Local Development Plan 2010-2025.
- 5 The construction of the proposed new drainage system hereby approved, shall be undertaken in accordance with the pollution prevention measures and environmental management requirements as stated within the approved Construction Environmental Management Plan (CEMP) as agreed in application ref 2015/1859, approved on 07/03/17.
Reason: In the interest of biodiversity and to prevent pollution of controlled waters and the wider environment in accordance with Policies ER9 and RP4 of the of the Swansea Local Development Plan 2010-2025.

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, 9 and 17.
- The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS1, PS2, PS4, ER1, ER2, ER5, ER8, ER9, ER11, T1, T5, T6, EU1, EU2, EU4 and CV2
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

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Description of Development

This application seeks full planning permission for the construction of 34 no. affordable residential dwelling units, comprising 5 pairs of semi detached dwellings and 24no. flats in 2no. three storey blocks. This shall comprise of 2 x no. 2 bedroom dwellings, 8 no. 3 bedroom dwellings, 12 no. 1 bedroom flats, 8 no. 2 bedroom flats and 4 no. 1 bedroom adapted ground floor flats. The dwellinghouses and flats will be finished in red and buff multi facing brickwork, black/grey roof tiles, black upvc windows and doors, composite front doors and solar pv panels to the front roof planes.

The proposed blocks of three bedroom semi-detached dwellings will measure approximately 11m wide and 9.5m deep with the proposed blocks of two bedroom semi-detached dwellings measuring approximately 10m wide and 9.5m deep. The proposed dwellings will comprise of pitched roofs measuring approximately 5.3m to the eaves and 8.7m to the ridge.

Each block of flats, at their largest dimensions, will measure approximately 26m wide and 12.5m deep and will be located to the rear and at a lower land level then the dwellings to the front of the site. The flats will comprise of pitched roofs measuring approximately 8.8m to the eaves and 12m to the ridge with entrances set back to break up the massing of the elevations. A bin store will be located to the side of each block of flats.

The front of the site is currently occupied by derelict, fire ruined commercial buildings, the rest of the site comprises of hardstanding areas and scrub land.

Planning History

2012/1622 - retention of car wash, valeting and tyre services - approved January 2013

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 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (12th Edition) 2024

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise.

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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.

Adopted Swansea Local Development Plan (2010-2025)

PS 1 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.

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

PS 3 Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

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 multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

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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.

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.

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.

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

EU4 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.

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

H 2 Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

H 3 Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

SI 1 Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 3 Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

SI 6 Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

Responses to Consultations

Local Highway Authority

The consultation commentary raised concerns with the internal gradient, further information has been provided which demonstrates that the maximum internal gradient is around 5%, this is within the maximum permitted gradients for both vehicles and pedestrians. RSA recommendations regarding stalling vehicles need to be addressed, but it is thought this can be ameliorated during detailed design, together with vertical curvature where the access road meets Pentrechwyth Road.

Parking has been offered at a level below the SPG, it is considered that both the sustainability of the site and the type of tenure which typically results in lower car ownership. In addition, the applicant has offered additional resident's parking on Pentrechwyth Road which would provide benefit to existing residents.

The site will remain under the control of a registered social landlord who will manage the on site parking, and as such an objection on the basis of lower parking provision would be difficult.

4 disabled spaces have been provided, these have a 1.2m margin on 2 sides, this should be extended to 3 sides to make them compliant.

On balance the Highway Authority does not wish to object to the application, external works to Pentrechwyth Road should be undertaken under a section 278 agreement with the HA, and an informative should be added to this effect.

Local Authority Parks Department

There is nowhere else in the locality that requires any funding as we have upgraded them all, I'm also aware that there is another planning application for a development at Brokesby Road which will include a LEAP/LAP so unless there is a change of mind for the LAP at the Pentrechwyth Road development I don't think any contribution is required.

Fire and Rescue Authority

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development :

- The Fire Authority has no comment to make on access for fire appliances or water supplies.
- the Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

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The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:

<https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

<https://www.ukfrs.com/index.php/promos/16847>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

Dwr Cymru Welsh Water (DCWW)

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response (Ref: PPA0007646) has been acknowledged and included at Appendix F of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning, which highlights that foul water flows can be accommodated in the public sewerage system albeit that the site is crossed by a 381mm combined sewer. With respect to the submitted 'Proposed Site Layout' (Drawing No. A112), it appears the proposed development would be situated outside the protection zone of the public sewer, measured 3 metres either side of the centreline. Nonetheless, it is still recommended that the developer contact our Plan and Protect team (PlanandProtect@dwcymru.com) to carry out a survey to verify the location of this asset and establish its relationship to the proposed development.

However, as per our PAC response (Ref: P PA0007646), we would advise that no SuDS features or permeable paving shall be positioned within the protection zone of existing or proposed adoptable sewers. Moreover, the submitted 'Drainage Layout' (Drawing No. N1945/C500 Rev. 06) and 'Drainage Strategy Report' (Ref: N1945-DSR 06), indicates proposals to dispose surface water flows to the combined sewer and we would advise there is no agreement to communicate such flows. Therefore, we would object to any forthcoming SAB application and respectfully request that the 'Drainage Layout' and 'Drainage Strategy Report' do not form part of any approved plans/documents condition.

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

Condition

Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SS66957003 and SS66956001 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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

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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.

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.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Waste Management

The development of 24 x 1 bedroomed flats in 3 blocks, is estimated to generate 2,400L of total waste per week. To comply with Swansea Council fortnightly collection schedule the development would require storage capacity of 4,800 litres. Of this currently 64%, increasing to 70% by 2025 will need to be separated for recycling. The site would need approximately 3,200L recycling bins (3 x 1100) and 1,600L general non-recycling waste (<2 x 1100L bins)

The 2 bin compounds on site would appear large enough to accommodate the wheeled bins required.

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However, there is no provision to allow the refuse and recycling crews to pull the wheel bins out of the 2 bin stores and directly to the rear of the collection vehicle. The direct path from the bin store to the rear of the vehicle, positioned at each end of the "T" junction would be blocked by car parking spaces.

Local Authority Environment Officer

The Japanese knotweed planning condition needs to be placed upon this application.

Local Authority Tree Officer

No objection.

The tree report indicates the RPA of trees will not be affected by the cut and fill.

Local Authority Ecologist

Please ask for confirmation if the tree T4 will be removed (as per the recommendation in the tree report), and if so, has it been surveyed for bats by the ecologist?

Ecological enhancements are just 'suggested' and therefore to avoid a condition, the actual specs need to be confirmed. Also, the location of the proposed reptile hibernaculum is not shown.

Local Drainage Authority

This application and design is required to be fully tested through the SAB process which we would recommend doing as soon as possible as SAB design requirements will/may affect the development.

We can confirm that there have been pre-application discussions but no full application has been received.

Schedule 3, Flood and Water Management Act 2010.

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

From 7 January 2019, all new developments more than 100m² will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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

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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 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- The SAB also has powers of inspection and enforcement
- 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 100m² 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

Local Authority Pollution Control

No development shall commence until all the following components to deal with the risks associated with contamination within the site have been submitted to and approved, in writing, by the Local Planning Authority:

- a. A preliminary risk assessment must be carried out by a suitably qualified person, which has identified:
 - i) all previous uses
 - ii) potential contaminants associated with those uses
 - iii) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

The risk assessment shall include a mine gas risk assessment that considers the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021'

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b. If the preliminary risk assessment identifies potentially unacceptable risks, a site investigation, based on (a) to provide information for a quantitative risk assessment for all receptors that may be affected, including those off site.

c. Based on the quantitative risk assessment results (b) , an options appraisal and remediation strategy giving full details of the remediation measures required, how they are to be undertaken and a timetable for its implementation. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation.

d. A verification report providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The site shall be developed in accordance with the approved details and timetable.

Reason: In the interests of human health, public safety and residential amenity.

INFORMATIVES

1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays unless otherwise agreed through the Local Planning Authority.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact pollution@swansea.gov.uk and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

2 Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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3 Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

Local Authority Education

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

Planning Application: 2023/1227/FUL land at Pentrechwyth Road Bonymaen Swansea SA1 7AB. 34 no. affordable residential dwelling units, comprising 5 pairs of semi detached dwellings and (24no. one bedroom flats in 2no. three storey blocks not included in the calculations).

Primary: There is no request for developer's contribution for Welsh and English medium primary education at Pentrechwyth Primary and YG Y Cwm as there is currently sufficient capacity in the schools to accommodate this development.

Secondary: The English-medium secondary school capacity is predicted to be less than 10% surplus capacity which leaves the school with limited flexibility, with the existing commitments. There is a request for FULL developer's contribution (£46,144.00) plus indexation towards education in respect of the English medium secondary school (Cefn Hengoed Community School).

There is no request for developers contribution for Welsh medium secondary education at YG Bryn Tawe as there is currently sufficient capacity in the school to accommodate this development at present.

It must be made clear that Education requests for contributions are assessed in accordance with the Supplementary Planning Guidance and are essential to enable the provision of additional places in schools to meet increased demand arising from developments. If requests are rejected, or s106 agreements varied, then this risks Education being in a position that it is unable to accommodate catchment area pupils in their local school.

Local Authority Housing

I can confirm we are supporting this proposed scheme through the Programme Development Plan for Welsh Government funding, as a 100% affordable housing scheme.

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For the purposes of the Section 106 this scheme should be conditioned to the LDP policy compliant %, a minimum on site affordable housing provision of 10%. I support the proposed mix of property sizes, the affordable housing must be built to WDQR standards.

Public Consultation

The application was advertised via press and site notice on 28th July 2023.

Two letters of objection have been received which are summarised below.

- Car parking is already an issue
- The moving of the bus stop will remove parking
- There will be a substation next to no. 24 which will cause health issues
- Privacy and sunlight to no. 24 will be impacted
- The lane to the back of houses along Pentrechwyth Road will be impacted
- Schools in the catchment areas are already oversubscribed
- Bats and birds might be affected
- Noise pollution while work is carried out will be an issue
- The amount of building that is being planned on green fields around Bonymaen is concerning

One letter of support has also been received.

Main Issues

The primary issues in the consideration of this application relate to the principle of residential development in this location, the impact upon visual and residential amenity, drainage, ecology, trees and highway safety.

Principle of Development

The application site is located within the settlement boundary and is not allocated for any particular use within the Swansea Local Development Plan. The application site is located within the urban area where residential development is generally acceptable. However, this is not the only criteria that needs to be met and careful consideration will need to be given to the appropriateness of residential development in this location, having regard to the siting and design of development, access arrangements, current and proposed land levels, impacts upon residential development of proposed dwellings and existing properties.

Visual Amenity

The application site currently comprises of derelict, fire damaged commercial buildings, hard surfaced areas and scrub land. The site currently contributes very little to the visual amenity of the area. The surrounding area is primarily residential in nature comprising of two storey terraced dwellings finished in stone and render with a residential development currently under construction to the west of the application site. The site currently involves a commercial use which is not compatible with the surrounding residential uses. Therefore it is considered that the redevelopment of the site for residential use, in principle, is acceptable.

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The proposed dwellings will form a linear pattern of development and will broadly follow the established building line along Pentrechwyth Road, with the blocks of flats to the rear of the site at a lower land level and as such would not dominate the properties along Pentrechwyth Road. The proposed dwellings are two storey and are located adjacent to other two storey residential properties and the block of flats currently under construction to the west of the site. In addition the proposed dwellings are set in from the boundary with No. 24 Pentrechwyth Road and an existing footpath and landscaped area would provide a visual buffer from the proposed dwellings to the existing residential properties.

The scale and massing of the buildings are considered appropriate in the context of the surrounding street scene. There is appropriate space between the buildings and it is not considered that the number of residential units proposed represents an overdevelopment of the site. The proposed dwellings and apartment blocks will be finished in red and buff brick, black/grey tiled roof with solar pv panels and composite front doors. It is considered that these materials and design of the apartment blocks and dwellings are appropriate within the surrounding street scene. It is noted that both the flats and dwellings will have solar panels which will cover a large proportion of the front roof plane. However this will promote renewable energy and is considered visually acceptable in a modern residential estate. There are air source heat pumps shown to the rear elevation of the dwellings which are of a relatively small size and would be considered visually acceptable. However as full details of the air source heat pumps have not been provided, a condition requiring these details shall be imposed.

It is noted that the apartment blocks are three storey with the dwellings to the front two storeys, however given the land level difference in this area, the three storey blocks would be situated on lower ground and, as such, would not dominate the dwellings to the front of the site. It is considered that this relationship is acceptable in this particular instance.

Details relating to some of the boundary treatments have been provided. To the front of the dwellings and alongside the entrance to the site will be 900mm hoop railings which will provide a buffer from the front of the dwellings and the road. This is consistent with the majority of dwellings along Pentrechwyth Road which are set back from the pavement with low walls surrounding their frontage. Between each dwelling and along the western and northern site boundary there will be 1800mm vertical timber fence. To the side and rear of dwelling plots 1, 6 and 7 there will be a 1800mm brickwork wall. It is considered that these boundary treatments are appropriate within the context of the site and the surrounding areas. However it is noted that the sections appear to indicate that additional retaining walls will be required, therefore to ensure that the development remains visually acceptable, a condition requiring full details of the boundary treatments, including any retaining features shall be imposed.

No boundary treatments are shown to the areas alongside the existing footpath, although it is noted on the perspective views that low railings are proposed here which would be considered visually acceptable. For the avoidance of doubt and to ensure that suitable boundary treatments are provided, a condition requiring these details shall be imposed.

Whilst it is noted that landscaped areas are shown to the proposed site plan, exact details of the planting of the landscaped areas have not been provided. Therefore it is considered reasonable and necessary to impose a condition with regards to landscaping to ensure that suitable landscaping of the development is provided and retained.

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It is also considered reasonable to remove permitted development rights in relation to hardstandings as the proposed landscaping/low maintenance planting to the front of the dwellings is a feature of the development and its removal and replacement with hardstanding would impact the visual characteristics of the development.

The proposed outbuildings to the rear gardens of the dwellings are of a suitably small scale and would not have an impact upon the visual character of the site or the wider surrounding street scene. The proposed cycle shelters to the front of the apartment blocks are considered to be of an appropriate scale and design in this setting and are considered visually acceptable.

There will be car parking spaces to the front of the apartment blocks and to the rear of the dwelling houses, however these will be broken up by grassed/landscaped areas to ensure that car parking and hard surfacing does not dominate the frontage.

It is noted that a substation is proposed to the east of the site, although full details of this have not been provided. It is considered that a relatively small substation is not an uncommon feature within an urban area. However a condition requiring full details of this element of the proposals shall be imposed.

Overall therefore, it is considered, on balance, that the proposed development would positively respond to the mixed context and built form in the area and would not conflict with the thrust of LDP Policy PS2 which, amongst other things, 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. Having regard to the current condition of the site the proposals would have a positive visual impact. The proposal would also broadly align with the guidance with the Placemaking Guidance for Residential Development'.

Residential Amenity

There will be 16 no. 1 bedroom flats (4 of which are to be adapted) and 8 no. 2 bedroom flats. The submitted design and access statement notes that the 1 bedroom flats will be used by two people with the two bedroom flats used by three people. The Placemaking Guidance for Residential Development states that a two person, one bedroom common access flat should have an internal footprint of at least 50m². The proposed one bedroom flats will have an internal footprint of between approximately 50m² and 58m² and therefore meet this requirement. The Placemaking Guidance for Residential Development states that a three person two bedroom common access flat should have an internal footprint of at least 58m². The proposed two bedroom flats have an internal footprint of approximately 58m² and therefore meet this requirement. It is therefore considered that the proposed flats will have sufficient internal living space. It is also considered that the proposed flats will have sufficient light and outlook given the proposed number and positioning of windows and doors.

The proposed flats will each have Juliet balconies to the front elevation, serving their living areas. The Placemaking Guidance for Residential Development states that all flats should have full balconies and where this is not possible Juliet balconies should be provided. The applicant has provided justification as to why full balconies would not be viable in this particular instance.

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The applicant has also stated that Juliet balconies have not been provided to the rear elevation as it is north facing and WDQR standards require certain internal standards such as the internal arrangements and if another Juliet balcony were to be incorporated these layouts would not be possible. It is considered, on balance, that the Juliet balconies to the front elevation are suitable in this particular instance.

The proposed flats will have communal rear space which will comprise of drying areas and areas for sitting out and relaxing. There will also be two areas of open space to the front of the blocks which will have benches and play equipment. It is also noted that Brokesby Road playground and an area of open space is within approximately 300m of the application site which also weighs in favour of the proposals. The combination of these spaces, on balance, provides an acceptable provision of external amenity space for the future occupiers of the development.

There will be 2 no. 2 bedroom dwellings and 8 no. 3 bedroom dwellings. The design and access statement notes that the two bedroom dwellings will be used by 4 people and the three bedroom dwellings will be used by 5 people. The Placemaking Guidance for Residential Development states that a two bedroom four person dwelling should have an internal footprint of at least 83m². The proposed two bedroom dwellings will have an internal footprint of approximately 84m². The Placemaking Guidance for Residential Development states that a three bedroom five person dwelling should have an internal footprint of at least 93m². The proposed three bedroom dwellings have an internal footprint of approximately 93m². It is therefore considered that the proposed dwellings will have sufficient internal living space. It is also considered that the proposed flats will have sufficient light and outlook given the proposed number and positioning of windows and doors.

The rear gardens for the dwellings are considered to be of appropriate sizes and would comprise of sufficient space for future occupiers to site out, dry clothes and undertake general domestic activities. The submitted sections show that large parts of the garden areas would be generally level and would therefore provide useable areas. The dwellings can be accessed from the front from Pentrechwyth Road or from the rear via the car parking areas. It is considered reasonable to remove permitted development rights in relation to extensions and outbuildings to ensure that the residential amenity of neighbouring and future occupiers is retained.

There is approximately 31m from the rear of the dwellings to the front of the apartment blocks. This is considered to represent a sufficient separation distance to ensure that no amenity concerns will arise between the flats and dwellings.

There is currently a residential development under construction to the west of the site (ref: 2007/1279). This development is located along the boundary with the site, however given the siting of the proposed dwellings it is not considered that any undue overbearing or overshadowing impacts would arise to one another. It is also noted, from perusing the plans associated with the 2007/1279 application that to the ground floor and first floor side elevation there will be two windows which will serve the kitchen areas of separate flats. The ground floor windows would be obscured by any boundary treatment and the flats comprise of an open plan living arrangement, it is not therefore considered that boundary treatments here would unduly impact the residential amenity of the occupiers of these flats. It is also not considered that any undue overlooking would arise from these ground floor windows to the proposed adjacent dwelling.

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The first floor windows serving kitchens would provide some views of the garden area of the nearest proposed dwelling. These windows are however relatively small and are angled in such a way as they would not overlook the dwellings themselves. Occupiers of the new dwellings will be aware of this arrangement from the outset, but also regard is given to a degree of mutual overlooking existing between established properties in this particular urban area. Having regard to these factors and noting that the proposal would result in the removal of the existing non-conforming use within the application site, it is considered that the overall level of amenities of existing neighbouring properties and future occupiers would, on balance, be acceptable in this instance.

There are rooflights to the side elevation of the residential development currently under construction, however these will not provide any significant or unreasonable downward views to the neighbouring property and are not considered to have an impact upon the residential amenity of the proposed adjacent dwelling.

There are no first floor windows proposed to the side elevations of plots 1-5 and plots 8-10. This will ensure that no overlooking to each other or existing properties will occur. Plots 6 and 7 have ground floor and first floor side windows, however as these are corner plot dwellings abutting the entrance to the site, these windows provide visual interest and it is not considered, given the intervening road, that these windows would overlook one another.

No. 24 Pentrechwyth Road has a glazed door on the side elevation facing the application site but does not have any windows directly facing the site. It is therefore considered that this arrangement would not result in unreasonable loss of privacy and amenity. The proposed development is set away from the boundary with No. 24 and intervened by an existing path. This provides a good buffer between the dwellings and it is considered that No. 24 is of a sufficient distance from the site boundary that no overbearing or overshadowing impacts would occur to one another.

There is a sub station proposed within the development, however there is no evidence to suggest that the sub station would result in health issues and is located some distance from the proposed properties and No. 24. Full details of the proposed sub station will however be conditioned.

There will be landscaped areas to the front of the apartment blocks which will provide a buffer between parked cars and the habitable rooms of the ground floor flats. It is considered that these areas would provide a sufficient buffer in protecting the residential amenity of the future occupiers of the flats from the comings and goings and headlights of the vehicles. The level of amenity would be comparable to other nearby properties fronting this street.

The overall arrangement of the car parking spaces, to the front of the apartment blocks and to the rear of the dwellings are laid out in such a way so as there would be natural surveillance to the car parking areas which is welcomed.

It is noted that there is pedestrian footpath alongside the application site, it is considered that subject to final boundary treatments along this boundary, there would remain suitable natural surveillance to this area and it would not be adversely impacted by the proposals. The lane to the rear of properties along Pentrechwyth Road is private. Pedestrian access would not be affected by the proposals and any rights of vehicular access is a private matter and not a significant material consideration in the determination of this application.

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Therefore in light of the above it is considered that the proposals represent an acceptable form of development which would provide for suitable living conditions for the future occupiers of the development and would not have a detrimental impact upon the existing neighbouring properties.

Ecology and Trees

A bat survey was submitted with the application which found that there was no evidence of bats, nesting birds or owl activity within the site. A Preliminary Ecological Appraisal has also been submitted which found no signs of European protected species on the site but Invasive Non-Native Species (INNS) were found within the site. A condition requiring a scheme for the eradication of INNS shall therefore be imposed.

In response to the query raised by the Local Authority Ecologist the applicant has confirmed that Tree T4 will not be removed as part of the proposals.

A Tree Report has been submitted with the application which indicates that the root protection area of the existing trees will not be impacted by the proposals. The Council's Tree Officer raises no objection to the proposals. However a condition with regards to tree protection measures shall be imposed.

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 ecological enhancements have been suggested these have not been shown on any elevations, therefore a condition requiring full details of the ecological enhancements and a timetable for their implementation shall be imposed.

In light of the above and having regard to the comments received from the planning ecologist and tree officer, it is not considered that the proposed development would conflict with the LDP Policies ER8, ER9, ER11 or the 'Biodiversity and Development' SPG.

Drainage

Dwr Cymru Welsh Water (DCWW) do not object to the application and suggest that a condition and advisory notes are placed on any grant of planning permission. A condition with regards to foul drainage shall be imposed. Surface water drainage will be dealt with via separate legislation through the SuDS Approval Body consent process.

In light of the above, it is not considered the development would fundamentally conflict with LDP Policies RP4, RP5 or EU4.

Highway Safety and Car Parking

The Local Highway Authority raises no objections to the proposal.

The maximum internal gradient will be approximately 5%, this is within the maximum permitted gradients for both vehicles and pedestrians and is therefore acceptable.

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Thirty nine car parking spaces are proposed as part of the development. The Parking Standards SPG requires one car parking space per bedroom up to a maximum of three spaces. The applicant has provided a sustainability matrix which demonstrates that given the location of the site a reduction in car parking of one space per unit is appropriate. It is considered that the combination of the sustainability of the site and the type of tenure, which typically results in lower car ownership, means that, on balance, the level of car parking proposed is acceptable in this particular instance. Furthermore there are on street resident spaces proposed to the front of the site, alongside the existing bus stop. It has been demonstrated that the existing bus stop will be retained and the resident car parking spaces will not impact its use.

A condition with regards to the construction of the access and internal road shall be imposed to ensure that a comprehensive scheme is brought forward.

The external works to Pentrechwyth Road should be undertaken under a section 278 agreement with the Local Highway Authority, an informative note to this effect shall be placed on any decision.

There is considered to be sufficient cycle and refuse storage for the proposed development and a condition requiring their implementation and retention shall be imposed.

It is noted that the Council's Waste Management team raise concerns regarding the collection of waste from the proposed bin stores due to the location of the bin stores and car parking spaces. However it is considered that there is sufficient space for the refuse and recycling vehicles to enter the site and the crews can access the bin stores, notwithstanding the location of the car parking spaces. It is considered that the proposed arrangement is acceptable.

Therefore having regard to the above it is considered that the proposals accord with Policies PS2, T1, T5 and T6 of the LDP.

Land Contamination

With regards to land contamination, part of the northern area of the site is historic contaminated land. Therefore the Council's Pollution Control department have requested that conditions in association with land contamination be placed on any grant of planning permission.

Contributions

LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability. In this case the application is in the East Strategic Housing Policy Zone.

In the East Strategic Housing Policy Zone there is a target for a minimum of 10% of the total number of dwellings provided on site to be affordable homes. The scheme proposes 100% affordable housing. The provision of affordable housing will be secured via a S106 legal agreement.

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In terms of open space provision Policy SI6 states "open space provision will be sought for all residential development proposals with capacity for 10 or more units. This will include the creation of new on-site facilities, or the improvement of existing local provision off-site, along with appropriate maintenance contributions". The development will comprise of two areas of dedicated open space which will have benches and play equipment. Whilst these areas are relatively small, they are considered appropriate in this particular instance given that the Council's Parks Department have not raised any objections or requested any off site contributions. A condition will be imposed to ensure that the proposed benches and play equipment is installed before the occupation of the development and is retained.

In terms of education contributions, the Council's Education Department have requested contributions in the amount of £46,144 towards education in respect of the English medium secondary school (Cefn Hengoed Community School), which shall be secured by a S106 legal agreement. The applicant considers that as the scheme is 100% affordable and consider that most potential occupiers already residing in the locality and their children in attendance at local schools. They consider that the anticipated pupil yield as a result of the development will be lower than calculated. The applicant also considers that the available places at Pentrehafod School should also be taken into consideration.

However the Council's Education Department have confirmed that the Planning Obligations SPG does not differentiate between education contributions for affordable housing or otherwise. It cannot be pre-determined whether families moving to the development will already be in the local education system. The site sits within the Cefn Hengoed Comprehensive catchment and therefore the capacity at Pentrehafod Comprehensive School is not relevant. It is not considered that any reasonable justification has been provided as to why the requested education contributions should be reduced. On that basis, the full amount towards education provision will be required and subject to the completion of a legal agreement.

Response to public consultations

The issues raised with regards to residential amenity, access, car parking, the bus stop, bats, birds, ecology, the substation and school places have been addressed in the main body of this report.

Objections have been raised with regards to building on green spaces throughout Bonymaen, the current application does not propose development on areas of green space. It is considered that the site is previously developed land, Planning Policy Wales defines previously developed land as "Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure."

With regards to noise whilst the building work is being carried out, the Council's Pollution Control Department have requested that informative notes be placed on any grant of planning permission. Notwithstanding this, a condition requiring the submission of a Construction Management Plan would assist in minimising impacts on neighbouring properties.

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Conclusions

In conclusion it is considered that the proposals represent an acceptable form of development. The proposals will create residential development which will have a positive visual impact upon the street scene, having particular regard to the derelict condition of the site currently.

The proposed development, on balance, is considered to create dwellings and flats which would provide for suitable internal and external living arrangements. The proposals are also not considered to have a detrimental impact upon the residential amenity of surrounding uses. It has also been demonstrated that the proposals would not have a detrimental impact upon drainage, ecology, trees and highway safety. 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.

RECOMMENDATION

Approve subject to the conditions indicated below and the applicant entering in to a S106 Planning Obligation in respect of the following requirements:

- o To provide 4 x affordable units on site
- o The affordable housing to be to WDQR standards and social rented tenure
- o Education contributions in the amount of £46,144 plus indexation

If the Section 106 agreement is not signed within 3 months of the date of the Committee resolution, then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application.

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:

A110 REV A site location plan

A117 REV D floor plan - flats

A118 REV D elevations - flats

A119 REV C context elevations

A120 REV C proposed site sections

A122 REV C bin store details

A123 typical cycle shelter details, received 13th July 2023

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A121 REV D garden shed details

A135 elevations sheet 2 - houses, received 21st July 2023

N1945/C600 REV 05 cut and fill plan, received 10th October 2023

N1945/C702 REV 09 proposed levels plan

N1945/C710 REV 01 sections at open area west of apartment block

N1945/C711 REV 01 location of sections, received 21st November 2023

LPG 01 amenity area proposals, received 19th January 2024

A115 REV H floor plan - houses

A116 REV I elevations - houses, received 22nd February 2024.

A112 REV V proposed site layout, received 23rd February 2023.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, E and F of Schedule 2, Part 1 shall not apply to any dwellings hereby approved.
Reason: In the interests of residential and visual amenities, in accordance with Policy PS2 of the Swansea LDP.
- 4 Prior to the first beneficial occupation of any unit hereby approved, the parking areas to serve the development shall be provided as indicated on the approved drawings and shall thereafter be retained for parking purposes only and shall be used for no other purpose for the lifetime of the development.
Reason: To ensure satisfactory parking provision is available to serve the development in the interests of highway safety in accordance with Policies T5 and T6 of the adopted Swansea Local Development Plan (2010-2025).
- 5 Prior to the occupation of any residential units hereby approved, the required access from the existing public highway, the internal road and footways shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels.
Reason: In the interests of highway safety, in accordance with Policies PS2, T1 and T5 of the Swansea LDP.
- 6 Prior to the beneficial occupation of the development the storage facilities for refuse and bicycles as indicated on plan no. A112 REV V proposed site layout, A122 REV C bin store details and A123 typical cycle shelter details, shall be provided and made available for the beneficial use of the residents and shall thereafter be retained and not used for any other purpose in perpetuity.
Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers in accordance with Swansea's Local Development Plan Policies PS2 and T6.

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- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, in accordance with Policy PS2 of the Swansea LDP.
- 8 Prior to the commencement of development a detailed scheme for the eradication of Invasive Non-Native Species (INNS) shall be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be implemented in accordance with the approved details.
Reason: In the interests of the ecology and amenity of the area, in accordance with Policies PS2, ER8 and ER9 of the Swansea LDP.
- 9 Prior to the beneficial occupation of any unit hereby approved the informal play areas as shown on plan nos. A112 REV V proposed site layout and LPG01 amenity area proposals shall be implemented and retained as such for the lifetime of the development.
Reason: In the interests of residential amenity, in accordance with Policy PS2 of the Swansea LDP.
- 10 No development shall take place until details of the open space management company and an open space maintenance and management responsibility plan has been submitted to and approved in writing by the Local Planning Authority.

The information shall include the following:

- a) Landscape Maintenance and Management Scheme for the open spaces shown on plan no. A112 REV V proposed site layout
- b) Details of the management company (agent, body or organisation) responsible for implementation of the Landscape Management Scheme; and the legal and funding mechanism(s) by which delivery of the Landscape Maintenance and Management Scheme will be secured for the lifetime of the proposed development. The open spaces shown on plan no. A112 REV V proposed site layout, shall then be managed by the approved company and maintained in accordance with the approved details and plan for the lifetime of the approved development.

Reason: In the interests of visual and general amenities and ecology/biodiversity and to ensure that the landscape proposals are managed and maintained in accordance with Policies PS2 and SI6 of the Swansea LDP.

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- 11 No development, to include demolition and site preparation, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:
- a) dust suppression measures;
 - b) wheel wash facilities;
 - c) noise mitigation measures;
 - d) details of temporary lighting;
 - e) details of enclosure of working areas;
 - f) details of contractor parking areas and construction site accesses;
 - g) details of delivery routes and phasing/programming of site works;
 - h) a drainage strategy to operate setting out controls of contamination, including controls to surface water run off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
 - i) pollution prevention and contingency measures.

The CEMP shall be implemented for the entire duration of the construction phase of the approved development.

Reason: In the interests of amenities and highway/pedestrian safety, in accordance with Policies PS2, T1 and T5 of the Swansea LDP.

- 12 Notwithstanding the submitted details, prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. 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).

- 13 No development shall commence until all the following components to deal with the risks associated with contamination within the site have been submitted to and approved, in writing, by the Local Planning Authority:
- a. A preliminary risk assessment must be carried out by a suitably qualified and competent person, which has identified:
 - i) all previous uses
 - ii) potential contaminants associated with those uses
 - iii) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

The risk assessment shall include a mine gas risk assessment that considers the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a suitably qualified and competent person and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021'.

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b. If the preliminary risk assessment identifies potentially unacceptable risks, a site investigation, based on (a) to provide information for a quantitative risk assessment for all receptors that may be affected, including those off site.

c. Based on the quantitative risk assessment results (b) , an options appraisal and remediation strategy giving full details of the remediation measures required, how they are to be undertaken and a timetable for its implementation. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation.

d. A verification report providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The site shall be developed in accordance with the approved details and timetable.

Reason: In the interests of human health, public safety and residential amenity, in accordance with Policies PS2 and RP6 of the Swansea LDP.

- 14 If, during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for, an amendment to the approved remediation strategy detailing how this unsuspected contamination shall be dealt with and a timetable for its implementation. The site shall then be developed in accordance with the approved details and timetable.

Reason: In the interests of human health, public safety and residential amenity, in accordance with Policies PS2 and RP6 of the Swansea LDP.

- 15 Prior to the commencement of development, full details of the proposed sub station as shown on plan no. A112 REV V proposed site layout, shall be submitted to and approved in writing by the Local Planning Authority, thereafter the proposed sub station shall be constructed in accordance with these details and retained as such for the lifetime of the development.

Reason: In the interest of visual amenity, in accordance with Policy PS2 of the Swansea LDP.

- 16 Notwithstanding the submitted details and prior to the beneficial occupation of any unit hereby approved, full details of the proposed air source heat pumps to the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the air source heat pumps shall be installed in accordance with the approved details.

Reason: In the interest of visual and residential amenity, in accordance with Policy PS2 of the Swansea LDP.

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- 17 Only foul drainage associated with the development hereby approved shall connect to the public (mains) sewerage network and this discharge shall be made between manhole reference number SS66957003 and SS66956001 as shown on Welsh Water plan (ref: PLA0074459, dated 3rd August 2023) . The foul drainage infrastructure shall be completed prior to the beneficial occupation of any of the units hereby approved and retained as such in perpetuity.
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, in accordance with Policy RP4 of the Swansea LDP.
- 18 Notwithstanding the submitted details prior to the commencement of development a plan indicating the positions, height, design, materials and type of boundary treatment to be erected, including any retaining structures, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before any unit 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, in accordance with Policy PS2 of the LDP.
- 19 No development shall commence until the tree protection measures as identified within the Tree Constraints Plan within Appendix II of the submitted Tree Report have been laid out and retained in accordance with the approved details for the entirety of the construction phase of the development.
Reason: To prevent detrimental impact to trees and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area, in accordance with Policies PS2 and ER11 of the Swansea LDP.

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 12 - Regional Connectivity

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: PS1, PS2, PS3, ER2, ER8, ER9, ER11, T1, T5, T6, EU4, RP4, RP5, RP7, RP10 , IO1, H2, H3, SI1, SI3 and SI6.

- 2 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 or telephone 01792 636091.

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- 3 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 for further advice and guidance.
- 4 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

- 5 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays unless otherwise agreed through the Local Planning Authority.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact pollution@swansea.gov.uk and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

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

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

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.
