

Planning Committee – 2nd June 2020

Item 1

Application Number:

2020/0173/FUL

Ward:

Bonymaen - Area 1

Location:

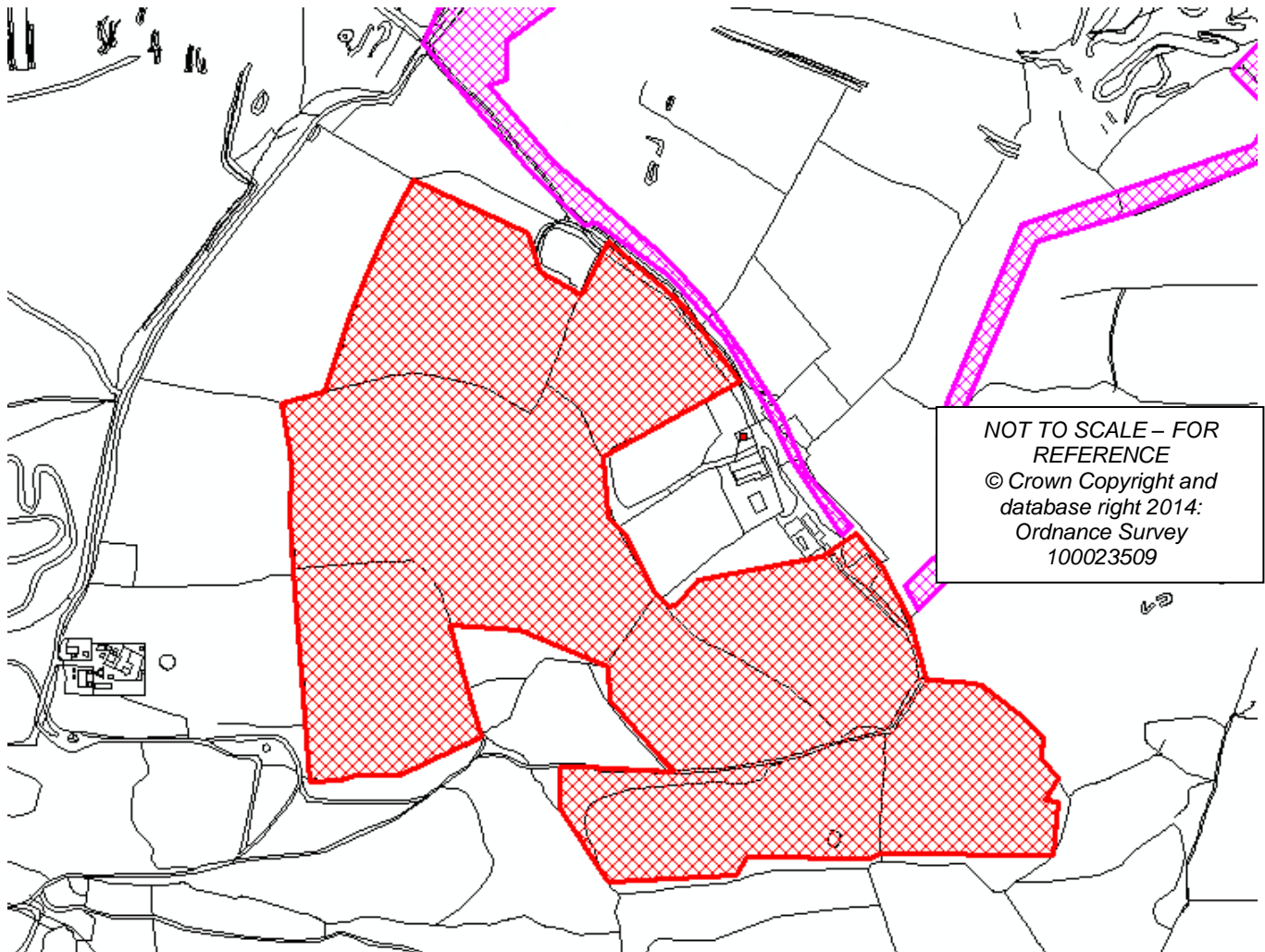
Carn Nicholas Farm, Track From Brokesby Road, Bonymaen, Swansea, SA1 7BL

Proposal:

Construction of solar farm to include the installation of solar panels to generate up to 9.99MW of electricity with substations, transformers, security cameras, fencing, grid connection and associated development

Applicant:

Innova Renewables Ltd Innova Renewables Ltd



Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Background Information

Site History

App Number	Proposal	Status	Decision Date
2016/3050/S73	Removal of condition 14 of planning permission 2015/1546 granted 14th December 2015 (remove the need for further intrusive site investigation)	APP	09.11.2016
2018/2390/PRE	Pre-application - Extension to existing solar farm	MIXPRE	06.12.2018
2019/1977/SCR	SCREENING OPINION to determine whether or not an Environmental Impact Assessment is required to be submitted for a proposed solar park	EIANRQ	18.09.2019
2020/0173/FUL	Construction of solar farm to include the installation of solar panels to generate up to 9.99MW of electricity with substations, transformers, security cameras, fencing, grid connection and associated development	PDE	
2016/1010	Discharge of conditions 5, 15 & 16 of planning permission 2015/1546 granted 14th December 2015 (traffic management, dilapidation surveys and method statement)	APP	01.07.2016
2015/2491	Laying of electricity cable between the DNO substation of the Carn Nicholas Solar Farm and the point of connection to the electricity transmission network	APP	11.02.2016

Planning Committee – 2nd June 2020

Item 1 (Cont'd)	Application Number:	2020/0173/FUL
2015/1546	Construction of solar farm to include the installation of solar panels to generate up to 5MW of electricity with substations, transformers, security fencing, grid connection and associated development.	APP 14.12.2015

Background

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

Planning permission was granted for a solar farm on part of the site in 2015 (Ref: 2015/1546) with the following description of development:

"Construction of solar farm to include the installation of solar panels to generate up to 5MW of electricity with substations, transformers, security fencing, grid connection and associated development".

A later Section 73 application (Ref:2016/3050/S73) to vary the terms of the original permission granted in 2016, with the following description of development:

"Removal of condition 14 of planning permission 2015/1546 granted 14th December 2015 (remove the need for further intrusive site investigation)"

There were also several other applications approved for infrastructure associated with the solar farm development.

None of the above planning permissions have been implemented and this application seeks permission to incorporate and extend the approved solar farm at the site. It is important to note, however, that there is an extant planning permission on part of the site for a solar farm.

Site Location

In total the site covers an area of some 19.13ha (including access road and proposed cable routing) on the northern and eastern slopes of Kilvey Hill around the properties at Rose Cottage and Carn Nicholas Farm. The main solar array area would cover agricultural fields to the east of a belt of mature coniferous plantation.

The site is defined to the south by a steeply falling scarp with two agricultural fields to the south of the site adjoining a public right of way. To the north and east of the site the land is generally open and the land levels fall toward Bonymaen to the north and the low-lying valley of Crymlyn Brook and Crymlyn Bog to the east.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

The site extends out from the main solar array area in two narrow parcels. The parcel to the north is the proposed access route from the farm to Brokesby Road/Llanerch Road. The southern parcel includes the proposed cable route that extends towards Coch Y Cwm Road.

Description of Development

The proposal is for full planning permission for the construction of a 9.99MW solar farm on land at Carn Nicholas Farm, Bonymaen. Within the main solar array area the ancillary infrastructure would include access tracks within the fields, 6 no. transformers and 2 no. ISO container stores. Security cameras and deer fencing would be erected around the perimeter of the solar array area. The underground grid connection would extend north east from the solar array and would terminate at a distribution network operator (DNO) substations compound with access track adjacent to Coch Y Cym Road.

Since the time when the previously approved solar scheme on the site was permitted, government subsidies have been withdrawn, this has adversely affected the viability of the approved (5MW) scheme. This application would make full use of the DNO grid connection offer and, according to the applicant, would provide sufficient solar equipment to generate electricity to power approximately 3,000 homes annually (based on an average annual consumption of 3,300 kWh of electricity for a house) and save approximately 4,300 tonnes of CO₂.

The development is proposed for a temporary period of 40 years, thereafter the development would be decommissioned and returned to its former use.

Planning Policy

Planning Policy Wales (10th Edition) 2018

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, Figure 7: Objectives of Good Design Access Ensuring ease of access for all Promoting sustainable means of travel Sustaining or enhancing local character. Promoting: legible development / a successful relationship between public and private space / quality, choice and variety / innovative design Achieving efficient use and protection of natural resources / enhancing biodiversity / designing for change Ensuring attractive, safe public spaces / security through natural surveillance Character Movement Environmental Sustainability Community Safety Good Design Appraising Context 28 29 density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

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.

The Best and Most Versatile Agricultural Land

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

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

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Energy

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

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

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

5.7.4 The Welsh Government is committed to delivering the outcomes set out in Energy Wales: A Low Carbon Transition. Our priorities are:

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

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

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

5.7.8 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

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

Renewable Energy Targets

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

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

5.7.17 The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

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

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

Renewable and Low Carbon Energy

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

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

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

- take into account the contribution their area can make towards the reduction of carbon emission and increasing renewable and low carbon energy production;
- recognise that approaches for the deployment of renewable and low carbon energy technologies will vary;
- identify the accessible and deliverable renewable energy resource potential for their area, including heat, and consider the likely utilisation of this resource over the plan period;
- assess the social, economic, environmental and cultural impacts and opportunities arising from renewable and low carbon energy development;
- take into account the cumulative impact of renewable and low carbon energy development and their associated infrastructure, for example grid connections;
- identify criteria for determining applications for sites based on their installed capacity;
- engage with the renewable energy development industry and consider the deliverability of schemes;
- take into account issues associated with grid connection (see Grid Infrastructure section) and the transportation network; and
- consider local and strategic priorities for renewable energy.

Locational Policies for Renewable and Low Carbon Energy Development

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

Development Management and Renewable and Low Carbon Energy

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

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

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

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

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

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

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of 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.

6.3 Landscape

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

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

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

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

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

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

Biodiversity and Ecological Networks

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

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

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

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

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

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

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

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

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

Protection for Non-statutory Designations

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

Protected Species

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

Trees, Woodlands and Hedgerows

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

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

Sustainable Drainage Systems (SuDS) and Development

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

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

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

Development and Flood Risk

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

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

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Adopted Swansea Local Development Plan (2010-2025)

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

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

HC 2 Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance with Policy principles.

ER 1 Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER 2 Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County.

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

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

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

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

ER 9 Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

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

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

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

T 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

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

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

T 7 Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

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

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

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

RP 3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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

RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

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

Public Consultation:

The application was advertised in the local press, by site notices and one neighbouring property was consulted by letter.

No responses were received to the public consultation.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Consultation with Statutory and Non Statutory Consultees:

Highways:

We acknowledge the planning history of the site and understand that this application seeks a similar but more intensive use in terms of solar power installation. It is unlikely that there will be an objection from highways, subject to the mitigation or management of some issues that we have identified. These issues could be dealt with through an update of the planning submission material, in which case I am happy to review and agree, if appropriate. Failing this we could seek to deal with them by condition.

The issues that we would like to make the applicant aware of are:

The existing PRoW will need to be protected and this should be designed for in accordance with the Countryside Access Officer's consultation response. We note that there is a proposal to clear the track vegetation by around 1.0 metre. The details do not confirm whether a surface material will be laid, noting similar requests from the Countryside Access Officer. We would also wish to understand how pedestrians would be protected from HGVs along the route during construction, of particular concern is how pedestrians and HGVs would share the access which appears to be bound by stone walls.

The swept path analysis of a 16.5 metres articulated vehicle illustrate a grey footpath like shading along the north western side of the farm access. It is not known whether this indicates a footpath in replacement of the PRoW? The Highway Authority concern is around the detail of the junction mouth where there appears to be an existing wall which reduces access entry width, such that a HGV and pedestrian could not safely share the route. This is not clearly shown on the submitted plans.

The existing access to the farm joins the highway at an irregularly formed junction. Visibility is a concern, to the right, on exit from the farm track. Whilst the end scenario of the proposed use is likely to result in an insignificant level of traffic, the construction period will temporarily intensify use and with a significant daily number of HGVs. It is recognised that the access and visibility will in some part be managed by the proposed traffic management, although we would wish to request more formal measures (see below).

The traffic management measures include the use of marshals and Stop/Go boards, to manage the substation construction and general management at the main construction access. Given the visibility concerns at the farm access and the known unsuitability of and lack of passing places along Coch-Y-Cwm Road, it is advised that temporary traffic signals are installed, which can be overridden by operatives. This would provide a more formal measure to protect public highway users during the construction period at both access points.

In terms of the suggested approach route for arrival and departure to the M4, this appears to be the most appropriate route approach. The concern would be in ensuring that HGVs did not accidentally approach the site from Brokesby Road, which would make a turn into the farm site access difficult potentially resulting in unacceptable multiple manoeuvres on a highway. Any measures which could work further to reduce the potential of this occurring would be welcomed.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Placemaking and Heritage:

This solar farm application would not affect the setting of any designated heritage assets given topography and intervening vegetation.

Drainage:

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

From 7 January 2019, all new developments more than 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.

Right of Way:

Kilvey Hill can be seen from pretty much the whole of Northern Swansea. It is a key feature to orientate yourself from. The development will be able to be seen from Mawr to Birchgrove.

There are a couple of public rights of way that will be affected by this development in the locality. BO467 is the access track to Carn Nicholas Farm, and we would like to see further details about the amount of traffic, size of vehicles, and how these may affect the public right of way. We would also like to see what surfacing / drainage works the developers are looking to undertake. Prior to works beginning, and what state the access track will be left in following works. At the least we would expect the large puddles to be filled with stone. We would ask for a some motorcycle inhibitors and horse step over stiles to be installed at sites in close proximity to the area via section 106 funding. This will limit the possible use of motorcycles whilst continuing to allow walkers and horse riders to utilise the paths. There are 2 points we would wish for these to be installed, (marked with red dots on the map) BO477 Runs parallel to BO467 and is crossed by what I assume is a cable channel.

There are houses that will have to retain their access, and as such the developer will have to use steel panels to allow the transit of vehicles along the footpath. We would ask for works to be completed on this access track to improve the drainage and to back fill potholes along its length via section 106 funding. We would also look to have 2 horse step over styles and motorcycle inhibitor combinations to prevent illegal motorcycle access, (marked with red dots on the map). We would also like a proper cross drain installed in the track and surfaced over to prevent erosion. This is also marked on the map.

Fig.4 Site layout and proposals plan - makes no mention of the public rights of way in the area. I've added some images showing the views that people have from some of the rights of way in the area, including one from a bridleway in Birchgrove. This shows the visual amenity that will be lost should this development go ahead. I assume that there will be comments from members of the public that will also highlight this.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Landscaping:

Generally, the proposed planting / landscape scheme CN/NRS/12 could be acceptable subject to the following clarifications and minor changes and subject to conditions over the retention of existing and proposed hedges and proposed woodlands at minimum heights (TBA) for the duration of the development.

I note the landscape plan describes the management of "existing hedgerow to be allowed to grow up and develop". This requires greater detail, in particular to what minimum height they are to be maintained at for the duration of the development relative to the adjacent field levels and whether there is to be any additional planting to further diversify the hedgerow.

I note that "existing banks to be managed to develop ruderal sward", this requires greater detail, in particular the existing and likely species and how and to what height they are to be maintained, retained and protected from grazing so that all readers of this element of the scheme will be able to understand the proposals and proposed future management; are these to be managed as hedgerows, in which case their minimum height is to be specified, albeit it could be different from those other existing and proposed hedgerows.

Re woodland planting mixture; I am mindful that the proposed woodlands are relatively narrow and that the mixture is made up predominantly of light demanding species that are likely to survive and adapt and therefore do not need to be shown at particular locations; however for species to survive long term they would ideally be planted in groups so that they are not removed by 'percentage' thinning as the woodlands develop and to protect species from being shaded / outcompeted by robust and vigorous species (e.g. Elder), particularly during establishment. To that end notes should be added over sizes of species groups to ensure the establishment and retention of climax species (Birch and Oak) and at what eventual spacings and how this thinning is to be achieved over what period. Suggest adding Ilex to the mixture for Winter colour and greater biodiversity; unless there is a reason that I am unaware of (e.g. requirement for a food source for badgers in mitigation of any clearances or to support an existing community), the percentage of crab apple percentage seems high for the woodland mix and could be reduced (by say 10%) to accommodate suggested Holly and more Birch and Oak planting. Notation to be added to the maintenance of woodland areas to be described as to how tall canopy trees in particular are not to have their leaders removed to achieve a natural form and are to be retained in perpetuity / for the duration of the uses and at what spacing they are to be retained at. Re hedge mixture : notes to be added to size of single species planting groups for the reasons described above, consideration to be given to adding Ilex aquifolium (Holly) at up to say 2.5% (by reducing Rosa canina / Malus sylvestris) to the mixture for some evergreen interest and increased biodiversity. Maintenance of the height of new hedgerows to be described as a minimum height to which the hedge is to be retained in perpetuity / for the duration of the uses. 2 Provide greater clarity over the possible use of systemic herbicides - they would need to be nonresidual, to conform to current legislation and manufacturers current printed instructions and be applied by certificated operatives only.

I understand that none of the existing or proposed planting are affected by non-native invasive species but there are areas of Japanese Knotweed to be treated adjacent; particular care is to be taken with bringing mechanical plant to site for ground preparation, construction or in general for the development, that they do not carry contaminated soil or propagules to (or from) the site.

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Long term objectives for planting should be stated e.g. retention/control of self-seeded ivy / bramble etc. after a set establishment period of say 5 years.

I note the trees to the West are not in the control of the developer and while they would be able to cut back trees to the boundary, they would not have any control over the future height or retention of trees in the forestry block. I note there is little conflict between the proposal and existing trees on the site. There is a need to modify the drawing CN/NRS/12 to take into account the above for it to be acceptable; Finally, there is a need to condition the retention and management (minimum heights and retention of leaders) of new and existing hedgerows, ruderal vegetation (if allowed to grow back to hedgerows) and woodlands respectively and for the spacing of climax tree species for the duration of the development.

Landscaping (Trees):

No objection. None of the trees present are protected by TPO or by virtue of being in the Conservation Area. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity. There is very little conflict between the proposals and trees on site. Trees to the west outside of the red line may shade the panels but felling would be controlled by the need for a felling licence. Tree removals are unlikely as they are on adjoining land. I have not commented on the proposed planting as the LPAs Landscape Architect has also been consulted.

Ecology:

No response received to date.

Pollution Control:

Condition recommended in relation to unsuspected land contamination:

If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

Environment Officer:

The Japanese Knotweed Management Plan is acceptable.

However in addition to the knotweed identified in the survey, knotweed is also present/adjacent to the site in the following areas (see plan).

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Natural Resources Wales:

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice.

Condition: The development shall be implemented as laid down in Carn Nicholas Solar Farm: Biodiversity Management Plan, including Japanese Knotweed Management Plan (Version 4)', dated February 2020, by Corylus Planning & Environmental Planning Ltd. To be agreed with Local Planning Authority (LPA)

Condition: The development shall be implemented as laid down in the Proposed Carn Nicholas Solar Farm: Drainage and CEMP Report for Novus RS Ltd (Report reference: 111/Drainage/v3)', dated February 2020, by Corylus Planning & Environmental Ltd. To be agreed with Local Planning Authority (LPA).

Ecology and European Protected Species

We note the submission of the following documents;

- 'Carn Nicholas Proposed Solar Farm: Preliminary Ecological Appraisal (Version 2)', dated 20 January 2020, by Corylus Planning & Environmental Ltd, and;
- 'Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Provisional Arboricultural Method Statement', dated January 2020, by Corylus Planning & Environmental Ltd.

We note that an extended Phase 1 Habitat Survey was carried out on the 14 October 2019. The appraisal acknowledges that this was outside of the optimal survey period (April to September), and also that some parts of the application boundary were inaccessible due to dense scrub, woodland or inaccessible banks. Section 7 of the Preliminary Ecological Appraisal states that the majority of habitat, where the solar panels are to be located, are composed of semi-improved (acid) grassland, but there are some with smaller areas of marshy grassland and scrub with the site boundary. However, we note that Section 8 of the document states that the areas of marsh grassland and any water-courses will not form part of the development footprint and that any existing trees will be maintained with the proposed development.

Bats

The Appraisal states that there were no derelict buildings on site and that the other structures (dwellings / farm buildings) do not form part of the proposal. It also states that there are a number of individual trees within the proposed area of the solar arrays, but these are all described as being relatively immature and did not hold any obvious potential roosting features (PRF's) for bats.

However, the Appraisal does identify an Ash tree, along the access track (towards the north of the site) and several mature trees (Oak & Sycamore), which could include PRF's for bats. As part of NRW's statutory pre-application response, we raised the need for an assessment for potential roosting features (PRF's), for any trees subject to felling or pruning work.

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

However, Appendix 5 of the Pre-Application Consultation (PAC) report, has addressed this issue by providing photographs and a description of the felling and pruning work which will be required.

As a result of this additional information, we are satisfied that a pre-commencement Tree Assessment for potential roosting features (PRF's), will not be needed.

However, if during the course of the development, any additional felling or pruning work is required, then trees identified as having moderate or higher bat potential features should be subject to inspections, such as tree climbing and/or endoscope inspections.

Any such surveys should be carried out in accordance with best practice guidance and by suitably licenced and experienced ecologists, with the results being made available to your Authority's Planning Ecologist.

Dormouse

The Appraisal rather underplays the presence of dormouse in the county as the species is known to be present along the M4 corridor to the north of the site and at other sites within the Swansea catchment. However, providing that hedgerows at the site are protected and a suitably precautionary approach to any general vegetation clearance is adopted, then we would have no additional comments to make.

Great Crested Newts

Table 5 identifies the presence of a total of five ponds at the site. Although these ponds are deemed to be either 'below average' or to have 'average suitability' for Great crested newts (GCN), we wish to highlight that this species is known to be present at the nearby Cors Crymlyn SAC / Crymlyn Bog SSSI.

However, it is stated within the 'Biodiversity Management Plan', that the ponds lay outside of the development footprint and will be unaffected by the proposed development. Therefore, we have no further comments to make in relation to this species.

Biodiversity Management Plan

We welcome the submission of the document entitled; 'Carn Nicholas Solar Farm: Biodiversity Management Plan, including Japanese Knotweed Management Plan (Version 3)', dated 23 January 2020, by Corylus Planning & Environmental Ltd.

We are supportive of the measures outlined in the above document and note from the Pre Application Consultation (PAC) Report, that the recommendations made as part of our response have been implemented as part of the amended / updated Biodiversity Management Plan, which has been submitted as part of this application.

Therefore, we recommend that the Biodiversity Management Plan is delivered via an enforceable planning condition, should your Authority be minded to grant planning permission.

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

In addition, we recommend that you discuss the content of the Biodiversity Management Plan (BMP) with your Authority's Planning Ecologist, as they may wish to make additional comments in relation to habitats and species which lie within their remit.

Protected Sites

The proposed development is located a relatively short distance (approximately 0.3 km, at its nearest point) to the Cors Crymlyn SAC and SSSI, which also includes the Crymlyn Bog and Pant y Sais NNR and Crymlyn Bog Ramsar site.

We consider it unlikely that the proposals would have an adverse effect on the SAC/SSSI, providing that an appropriate Construction Environmental Management Plan (CEMP) and pollution prevention measures are implemented.

However, there is a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2017. Regulation 63 of the Regulations requires the Local Authority, as the competent authority, to undertake a test of the likely significant effects of the proposal on the SAC.

If it cannot be demonstrated that there will not be a significant effect, either alone or in combination with other plans and projects, the Local Authority are required to undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

Pollution Prevention

As part of NRW's statutory pre-application response, we advised that a robust Construction Environmental Management Plan (CEMP), be conditioned and/or submitted as part of any future planning permission.

This was due to the nature of the development and the potential for hydrological connections to the SAC / SSSI.

Appendix 5 of the Pre-Application Consultation (PAC) report, acknowledges this matter and states that a CEMP has been submitted as part of document entitled; 'Proposed Carn Nicholas Solar Farm: Drainage and CEMP Report for Novus RS Ltd (Report reference: 111/Drainage/v3)', dated February 2020, by Corylus Planning & Environmental Ltd.

Having reviewed the amended document, we are satisfied with the pollution prevention measures outlined in the report. We recommend that a condition is included as part of any permission your Authority is minded to grant, to ensure the proposal is implemented as laid down in the above document.

Landscape

We note the submission of the document entitled; 'Proposed Solar Farm Development on land at Carn Nicholas, Kilvey Hill, Nr Swansea, South Wales - Landscape and Visual Appraisal Version 2)', dated January 2020, by Corylus Planning & Environmental Ltd.

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Having reviewed the LVA and associated information provided with the application, we do not consider that there would be any visual effect on the Gower AONB at Mumbles, or Clyne/Fairwood Common at these distances (approximately 8 km).

However, we have not fully considered the possible effects of the proposal on all local or regional landscapes. Therefore, we advise that you seek further comments from the Local Planning Authority (LPA) in relation to these matters.

Dwr Cymru Welsh Water:

It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is required we must be re-consulted on this application

The application site is crossed by a watermain. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Cadw:

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments.

GM177 Bon y Maen standing stone
GM362 St Margaret's Chapel

The consultation included a heritage desk-based assessment prepared by Archaeology Wales which considered the impact of the proposed development on the above scheduled monuments. The assessment concludes that the proposed development will not have any direct impact on these scheduled monuments but will have a negligible/very slight, but not significant, impact on their settings. We concur with this conclusion.

Neath Port Talbot Council:

No objection.

Coal Authority:

The application site is located within a development high risk area.

The Coal Authority has no details, which confirm either the precise location of the shaft or whether it has been appropriately treated.

It is therefore recommended that the LPA impose a Planning Condition to secure the submission of a proposed mine shaft mitigation scheme for approval. The mitigation scheme should include the details of a suitable stand-off distance to ensure no load is introduced within the area of shaft 267194-021 and that vehicular movements are directed around it. The details should extend to include the details of what mitigatory measures are proposed to ensure this (i.e. perimeter fencing etc.).

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Glamorgan Gwent Archaeological Trust:

We note that the current application includes an extension to the area covered by the previous application consent and that a Heritage Desk Based Assessment has been undertaken by Archaeology Wales (Report No. 1845, dated December 2019). This work meets the current professional standard and allows us to make an informed recommendation regarding mitigation. The report identified sixteen new sites of archaeological interest, which reinforces our previous response in which archaeological mitigation was recommended and therefore our response remains the same.

As a result, it is still considered that there is a high likelihood of encountering archaeological remains during the proposed works and it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of an extensive archaeological watching brief during the associated groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording

APPRAISAL

Screening Opinion:

Prior to the submission of the planning application the local planning authority (LPA) was approached for a Screening Opinion under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The LPA determined that an EIA was not required for the proposal. On the basis that the site is similar to that already screened it has not been necessary to 're-screen' the development.

Supporting Documents:

The application has been accompanied by the following supporting documents:

- Agricultural Assessment
- Biodiversity Management Plan, including Japanese Knotweed Management Plan
- Construction Traffic Management Plan
- Glint and Glare Assessment
- Preliminary Ecological Appraisal
- Heritage Desk Based Assessment
- Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Provisional Arboricultural Method Statement
- Landscape and Visual Appraisal

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

- Pre-application Consultation Report
- Transport Statement
- Supporting Statement
- Design and Access Statement
- Drainage and CEMP Report

Main Issues

The main issues to consider in the determination of this application relate to the principle of the proposed development, the impacts upon the character and appearance of the area, the impacts upon residential amenity, highway safety and ecology, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

In terms of national guidance, national planning policy on renewable energy developments is set out in Planning Policy Wales, Edition 10 (PPW) and the associated Technical Advice Note (TAN) 8: Renewable Energy.

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

PPW emphasises that the Welsh Government is committed to delivering the outcomes set out in Energy Wales: A Low Carbon Transition. The priorities are:

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

These priorities contribute to reducing carbon emissions, as part of Welsh Government's approach to decarbonisation. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. PPW states that the planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

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

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

PPW states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. Importantly, PPW recognises that the planning system should, amongst other things, maximise renewable and low carbon energy generation; minimise the carbon impact of other energy generation; and move away from the extraction of energy minerals, the burning of which is carbon intensive.

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

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

PPW recognises the planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

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

In determining applications for 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.

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

The national planning policy on renewables is reflected in LDP's approach to the provision and consideration of renewable energy proposals. Under LDP Policy EU1 the Proposals Map includes a Local Search Area (LSA) for renewable developments which supports solar PV developments of between 5-50MW within such areas, subject to the criteria of the policy. The application site, however, is not within a LSA. Outside of such areas renewable energy proposals will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

In response to this point, the amplification to Policy EU1 explains that the LSA identifies the least constrained areas within Swansea for solar developments following the methodology within the Council's Renewable Energy Assessment. The LSA is mainly to the north of the M4 and includes areas of Pontardulais, Llangyfelach and Mawr. Whilst it is acknowledged the site is located outside of the LSA, it is not considered, in principle, that the provision of an extension to a consented solar farm development would prejudice the purpose of the LSA.

The site is located outside the urban area within the countryside where development is managed under LDP Policy CV2. Under this Policy development will be required to ensure that the integrity of the countryside is conserved and enhanced. Importantly under criterion vii. development will be permitted that for necessary infrastructure provision. The provision of renewable energy is considered to fall within this criteria, therefore it is considered, in principle, the proposed development would conflict with Policy CV2.

A development of this scale will have an impact on the local landscape. The LDP includes a specific landscape protection policy, ER 5, which states that development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County. It is noteworthy, however, that the application site is not included within a Special Landscape Area (SLA) and, in principle, would not conflict with this Policy.

LDP Policy EU1 requires that renewable and low carbon energy developments must be considered in relation to siting, public amenity, proposals for restoration and carbon sinks, interference with radar, aircraft operations and telecommunications.

These matters will be considered further within this report, however, in terms of the principle of the development, there is clear support for the provision of renewable energy projects at both the national and local level. Within PPW, Welsh Government have made it clear that significant weight should be given to achieving targets to increase renewable and low carbon energy generation and this proposal, being 9.99MW, would make an important local contribution to achieving such national targets.

Moreover, significant weight must also be given to the fact that a large portion of the site already benefits from an extant consent for a solar farm. The applicant has not indicated a timescale in which the development would be decommissioned but has indicated that the development is proposed on a temporary basis. However, given the scale of the development, its potential impacts on the landscape, and the temporary nature of the equipment, if acceptable, it will be necessary to include a condition for the site to be restored to its original state within a reasonable timescale. In this case 40 years is considered to be a reasonable timescale, in order to safeguard the landscape and its visual amenity. Thereafter all above ground infrastructure associated with the development would need to be removed.

Therefore, in the absence of any planning policies that would fundamentally conflict with the principle of a renewable energy development in this area, it is considered, in principle, that the proposal would not conflict with national planning policies or the policies within the LDP.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Visual Amenity

The application site is mainly made of up sloping farmland that is currently used for silage production, but has previously been used for grazing. The proposals would see this land converted for use as a solar farm consisting of an unspecified number of solar panels, with associated infrastructure, mounted on pile driven steel frames called modules which would achieve a maximum height above ground of approximately 2.1m. The panels would be angled at between 15°- 20° and would be arranged in a series of modules arranged on an east-west axis across the site. The panels are angled to face south to maximise the capture of solar energy. Panels are finished in a non-reflective dark colour to maximise absorption, and the rows are spaced to facilitate the maximum solar energy capture whilst retaining field boundaries, hedgerows and trees. The panels would be between 0.7m - 0.8m off the ground.

Power from the panels is converted from DC to AC by inverters mounted on the rear of panels, that steps up voltage via transformers. Equipment cabinets housing the transformers are located around the site measuring approximately 6m x 2.6m x 3m high and these are similar to those previously approved at the site.

The underground cabling would extend from the solar farm in a north east direct to a compound housing the onsite client and DNO substation. The substation location and design is driven by the DNO requirements. The compound would be enclosed by a high fence and would accommodate 2 x ISO containers, which have the appearance of shipping containers. These elements are broadly as approved under the extant planning permission and the location benefits from screening provided by existing trees and shrubs.

Security fencing would comprise of 2.10m deer type stock proof fencing with wooden poles and wire infill. Stand alone CCTV cameras would be located around the boundary of the site and would broadly match the height of the stock proof fencing.

The layout of the modules has been influenced by the need to maintain adequate distances to existing features in the landscape including: hedgerows, trees, the dwellings at Carn Nicholas farm and buffer zones around archaeologically important areas. All existing trees and hedgerows are proposed to be retained and reinforced as necessary and would be allowed to increase in height to provide greater screening. New hedgerows and woodland block planting are proposed in various locations to define and provide additional screening to the development on its northern and eastern edges. Other features of the development include a series of access tracks within the solar farm for maintenance access and swales around field perimeters to sustainably manage surface water runoff

Access to the site would be derived from the existing track and public right of way that leads to the farm. Access to the fields would be via 3no. new field access gates within the perimeter fencing and internal access tracks would be formed by access matts and other unspecified surfaces.

There will be two construction compounds, one in a semi-improved acid grassland field as the track bends round to the farm in the west and the second in the existing farmyard. The compound at the farmyard will be primarily located on existing hard standing.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

When the solar farm no longer produces electricity all solar panels, framework, fencing and buildings would be decommissioned, dismantled and removed from the site. It is recommended that such matters can be dealt with by a planning condition as noted above.

Landscape

The site is located within an upland area of Swansea. Kilvey Hill is a prominent landscape feature within the City and its environs. Like the previous application, this current application has been accompanied by a Landscape and Visual Appraisal (LVA), which assesses overall impact of the development upon the landscape.

There is an extant planning permission on the site for a solar farm and the current proposals would see an extension to the north of the consented scheme within four fields and comprising an additional area of approximately 5.8ha. Existing field boundaries are defined by a mix of post and wire fencing and low earth banks with occasional fragmented hedgerows.

A Zone of Theoretical Visibility (ZTV) assessment was prepared for the 2015 appraisal and this demonstrated that the approved development site is mostly visible to the north east of the site and some localised areas to the east. It noted potential for more extensive intervisibility over a large part of Swansea Bay to the south and from some more distant coastal areas to south-east and south-west. The site is generally not visible from the wider Swansea urban area to the west.

The LVA considers that as the proposed extension area for the development occupies the northern flank of Kilvey Hill, and mainly has a north and north-easterly aspect, it is anticipated that the extension area is potentially only visible to identified locations to the north and north-east of the site. The LVA considers the extension area will have no visual effect upon areas to the south and west.

This conclusion is accepted and on this basis of the 13 viewpoints assessed for the 2015 application the current LVA predicted that the proposed extension areas will only be visible to the 5 viewpoints located to the north and north-east of the site (namely Viewpoints 1, 2, 3, 4 & 5).

Therefore photomontages of the proposed extension scheme have been produced for these 5 viewpoints in order to illustrate the potential visual effects of the extended development. This approach is considered to be reasonable in view of the extant consent.

The LVA has identified the following sensitive visual receptors within areas to the north and north-east of the site, mainly confined to the following locations:

- Residential areas at Bon-y-maen, c.500m-1.5km to the north/north-east of the site (represented by Viewpoint 1).
- Isolated dwellings and small residential settlements within the more open countryside to the east and north east of Bon-y-maen, c.600m-2.5km to the north-east of site, including the settlements of Ty-draw, Cefn-hengoed and Pentre-dwr (represented by Viewpoints 2, 3 & 4).
- Public footpath BO477 to the east and north-east of Kilvey Hill, c.300m to the north-east of site (represented by Viewpoint 5).

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

- Open access land immediately adjacent to the north-east of the site.
- Public footpath BO467 to the north of Kilvey Hill, c.100m - 700m to the north/north-west of the site.

The extended development will be at closer proximity to Carn Nicholas Farm and Rose Cottage, with additional areas of solar arrays being located within fields to the north-west and south of the farmstead. The LVA considers these areas of development could potentially have a greater visual impact upon Carn Nicholas Farmhouse and Rose Cottage, albeit the farm buildings are enclosed by mature tree belts.

In order to mitigate the visual impacts of the development the applicant is proposing the following measures:

- Planting a 12m wide woodland planting belt on the northern edge of the north-western extension field where the site area is potentially visible in middle to long-distance views from public footpath BO467 and residential areas to the north and north-east.
- Planting a 12m wide woodland planting belt to the south of the Carn Nicholas farmstead where the site area is partially visible in relatively short distance views from Carn Nicholas Farmhouse and Rose Cottage.
- The gapping-up of existing hedgerows and planting of c.165m of new hedgerow.

The LVA explains that the landscape mitigation proposals have been designed to provide visual screening at strategic locations within the site and to enhance biodiversity. The proposed new woodland (extending to 0.3ha) and the new hedgerow planting (c.165m) will establish continuous wildlife corridors across the site and will provide more structural and species diversity. All planting will comprise locally indigenous trees and shrubs.

Consented Development:

The LVA has summarised the findings of the previous 2015 Landscape and Visual Impact Assessment.

In relation to topography the magnitude of change in landform was considered to be low. Hence the LVIA predicted that this would result in an overall minor effect upon site topography.

The LVIA considered the consented development would not cause any loss of woodland and hedgerow vegetation, but the landscape would benefit from the planting of additional hedgerows to enhance visual screening to the west of the Carn Nicholas farmstead. This, the LVIA considered, would have a relatively low magnitude of change, but was assessed as potentially having an overall moderate (beneficial) effect upon the long term integrity of the site landscape.

The LVIA considered the overall effect of the approved development upon the pastoral farmland as being moderate. However, following the decommissioning of the solar farm, the effect on the pastoral farmland and agricultural use would be reversible. Also, any effects caused by the construction compounds and cable laying will be temporary and of very short term duration.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

The 2015 LVIA suggested that the landscape elements that constitute the landscape character of the LANDMAP geological, habitats, historic or cultural aspects within the site would remain largely unaffected by the proposals in physical terms. The effects on landscape character would therefore result from the visual influence of the solar arrays on the LANDMAP 'visual and sensory Aspect Areas' within the site and surrounding area.

According to the LVA the main visual impacts arising from the consented scheme would be upon the nearest properties at Rose Cottage and Carn Nicholas Farm. Residential properties within the local area including Bonymaen, Ty Draw and Cefn Hengoed would experience partial views of the solar panels and security fencing within the middle distance, however, the LVIA considered these would be apparent as a faint outline on the crest of Kilvey Hill. From other surround views and residential properties, including those from nearby public rights of way, no significant visual impacts were identified, with the site essentially being contained by woodland and screened by the Kilvey Hill scarp.

Proposed extension element:

Turning to the landscape impact of the proposed extended areas the LVA notes that the main differences between the proposed extension and the consented development will be a lateral extension of solar arrays to the north. It notes the total area of the fields occupied by the solar arrays will increase from approximately 8.8 hectares to approximately 14.6 hectares. However, the LVA considers there will be no substantial changes to the proposals for the temporary construction compounds, the cable route and the grid connection areas, so there will be no noticeable change in the landscape effects resulting from these parts of the development. This assertion is accepted. The findings of the LVA on the extension element are summarised below:

Effects on Site Topography:

The LVA considers the prevailing topography of the site would remain largely unaltered with the implementation of extended scheme and the overall magnitude of change would remain as low. The LVA considers there would be no change in the overall effect on topography caused by the new development, which the LVA considers as being of minor significance.

Effects on Plantation Woodland, Hedgerows and Trees:

The LVA confirms the extension development will not cause any loss of woodland, trees or hedgerows. Hence, in this respect the new development will not have any additional landscape effects. However, the LVA notes the scheme proposes to establish additional woodland belts (0.3Ha) and hedgerows (165m) which are predicted to have a moderate beneficial effect with regard to long term landscape character and biodiversity enhancement.

Effects on Pastoral Farmland:

The LVA considers the extension development is unlikely to have any adverse physical effects on the pastoral farmland, however, it considers the increased area of arrays may potentially have a more negative effect upon the landscape character of the northern flank of Kilvey Hill and its perceived change in land use.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

In consideration of this, the LVA considers the magnitude of change brought about by both the consented and proposed development is predicted to be high, with the overall significance of the landscape effect likely to be moderate.

Effects on Landscape Character:

Due to the location and proposed orientation of the proposed extension development, the LVA considered the proposal will only have a potential impact upon the site itself and those LANDMAP Aspect Areas with intervisibility to the north and north east. The LVA considers the extension areas will have no impact upon Aspect Areas to the south and west, and potentially very limited impact upon areas to the east.

The LVA states the extension development will have only limited impact upon the LANDMAP 'geological', 'habitats', 'historic' and 'cultural' Aspects. However, it is predicted that the extended area of arrays will have a more significant magnitude of change on the character of the 'visual and sensory' Aspect Areas within the site and those to the north and north-east, but these effects may lessen at locations further from the site.

Effects on Visual Amenity:

The updated visual assessment set out within the LVA considers the combined development (both the consented scheme and the extension areas) may have some additional visual effects upon visual receptors to the north and north-east of the site, and the two residential properties within the Carn Nicholas farmstead.

An assessment and comparison of the visual effects of the combined extension development and the consented scheme in relation to the consented development as a standalone scheme have been undertaken within the LVA. This is summarised below:

Views from Bonymaen - part of the extension development would be visible over a large area on the northern/north-eastern slopes of Kilvey Hill. The magnitude of change would be Medium resulting in an overall Moderate to Major visual effect (this was Moderate for the consented scheme). However, the LVA considers the proposed planting belt on the northern edge of the western field will partially screen the western field as this planting begins to mature

Views from Ty draw - most of the extension development would be visible over a wide area on the northern/north-eastern slopes of Kilvey Hill. The magnitude of change is predicted be Medium resulting in an overall Moderate to Major visual effect (this was Minor for the consented scheme). The LVA considers the proposed planting belt on the northern edge of the western field will partially screen the western field as this planting begins to mature.

Cefn Hengoed - The whole of the extension development would be visible over a significant area on the northern/north-eastern slopes of Kilvey Hill. The magnitude of change would be Medium to High resulting in an overall Major visual effect (this was Moderate for the consented scheme). However, the LVA considers the proposed planting belt on the northern edge of the western field will partially screen the western field once this planting matures.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Pentre Dwr - The majority of the extension development would be visible over the northern/northeastern slopes of Kilvey Hill. However due to distance, the magnitude of change is predicted to be relatively Low resulting in an overall Minor to Moderate visual effect (this was Minor for the consented scheme). The LVA considers the effects will be less significant from those areas with more oblique views or where views are interrupted by intervening vegetation.

Llandarcy - May be some distant oblique views of the proposed extension areas, however, the LVA considers the overall significance of the visual effect is unlikely to change from the consented scheme.

In terms of residential receptors, the LVA considers the impacts upon Carn Nicholas Farmhouse and Rose Cottage will remain of Major significance. Moreover the extension areas are likely to have a more significant visual effect on Rose Cottage compared with the predicted effect of the consented development. Rose Cottage is partially enclosed by existing vegetation, but the extension area to the south is likely to be visible and will have a Major effect. The LVA considers the proposed planting belt to the south of the farmstead will provide additional visual screening as it matures, which will reduce the overall visual effect for both properties to Moderate in the medium to long term.

The LVA considers there will be a negligible impact upon residential properties on Brokesby Road, Gwendraeth Place and Aeron Place (Hanover Square), whereas those on Llanerch Road, Ty Draw Place, Ty Draw Crescent and Ty Draw Road (Ty Draw) would experience an overall Moderate to Major visual effect (this was Moderate for the consented scheme). The LVA considers that as the vegetation matures, the proposed planting belt within the north-western field will partially screen the extension on the western edge of the site.

From public highways on Brokesby Road/Mansel Road (Bon-y-maen) the LVA considers the extension site would generally not be visible from Brokesby Road. However, most of the extension development would be visible to sections of Mansel Road. The LVA considers there would be an overall Moderate visual effect (this was Minor for the consented scheme).

The LVA considers residents on parts of the extension development would be visible on the northern /north-eastern slopes of Kilvey Hill when viewed from the western end of Coch-y-cwm Road. The LVA considers there would be an overall Minor-Moderate visual effect (this was Negligible for the consented scheme). The LVA notes the site is not visible at the eastern end of the road.

In terms of surrounding public footpaths from BO477 to the east and north-east of Kilvey Hill the LVA considers the eastern part of the extension development would be partially visible on the north-eastern slopes of Kilvey Hill. The LVA considers the development would result in an overall Moderate visual effect (this was Minor for the consented scheme).

From footpath BO467 to the north of Kilvey Hill the LVA considers the western part of the extension area may be intermittently visible in oblique views from the footpath, particularly in near views. An overall Moderate visual effect is expected. The impact upon this footpath was not assessed under the previous LVIA. The LVA considers the proposed planting belt on the northern edge of the western field is expected to completely screen the western field once this planting matures.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

The proposed construction compound to the north of the site is likely to have a Major visual effect upon the right of way, albeit this will be temporary over a relatively short period of time during construction operations.

As indicated above a number of representative viewpoints have been taken and photomontages have been produced to provide a visual representation of the development and to illustrate the overall extent of the proposed development on the north and north-east facing hillside. These viewpoints have been reviewed and are considered to provide an indication of the visual impacts experienced by receptors around the site at from distance views.

Cumulative Visual Impacts:

In terms of cumulative impacts, there are no current developments proposed in proximity to the site that would influence the consideration of the visual impacts of this development.

There is a non-strategic housing site to the north east of the site (H.18), however, this would effectively be infill development and would be viewed within the context of the built form in this part of Bonymaen.

There are also high level plans for the development of a skyline and associated leisure facilities on Kilvey Hill to the west of the site. At the moment there are no firm plans in place for this aspirational development as such it is not necessary to consider the cumulative impacts on this proposal on the current development.

Conclusions on landscape and visual impacts:

The LVA has demonstrated that the proposed extended solar farm is unlikely to have any significant additional impact upon the physical landscape (including topography, woodland, hedgerows and pastoral farmland), over and above those effects predicted for the consented development. However, the increased area of solar panels may have a more negative effect upon the landscape character of the northern flank of Kilvey Hill and its perceived change in land use when viewed from settlements to the north.

Whilst not being able to completely screen the development it is considered the proposed woodland block and hedgerow planting will, in time, have a moderate beneficial effect upon the landscape character of the site and surrounding area and will enhance biodiversity.

In terms of the visual impacts, the extended development is likely to have a greater impact upon the visual receptors immediately adjacent to the site at Carn Nicholas Farmhouse and Rose Cottage, whereby the impact would be of Major significance. However, in time, with the proposed planting these impacts are predicted to be of moderate significance.

For settlements to the north and north east of the site the visual impact of the extended solar farm will be noticeable from public roads, residential properties and local footpaths. Whereas the previous proposal appeared more contained upon the upland areas of Kilvey Hill the extended development will spread down the northern hill slopes thereby significantly increasing its prominence from local views.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

The provision of the proposed landscaping will mitigate this impact to some extent, however, this will take time to mature and the overall impact will remain major from some views (viewpoint 1 - Mansel Road, Bonymaen; viewpoint 2 - Chapel, Cefn Hengoed).

Overall it is acknowledged that the extended development would result in a change in the visual appearance of the landscape from some local views to the north and north east. However, the development would not dominate the local landscape in this area which benefits from generally good hedge boundaries and existing woodland areas. As such the proposal would be broken up by the landform and the existing mature vegetation which already create darker colours within the landscape. On this basis it is not considered that that the visual impact would be significantly detrimental in the medium - long term when viewed from these areas to the north and north east.

This impact must also be balanced against the significant weight that must be attached to achieving targets to increase renewable and low carbon energy generation and this proposal, being 9.99MW, would make an important local contribution to achieving national targets. The site is not located within a sensitive landscape area under LDP Policy ER5, and the proposed landscaping will mitigate the visual impacts over time and result in biodiversity/green infrastructure benefits. On balance, therefore, it is considered that the proposed development would be acceptable in terms of its visual and landscape impacts and would not conflict with the thrust of LDP Policies PS2 and EU1.

Impact Upon Heritage Assets

The application has been accompanied by a Heritage Desk Based Assessment.

The assessment confirms no Scheduled Ancient Monument (SAM) or Listed Building will be directly affected by the proposed development. There will be Negligible indirect impact on the nearby SAM earthwork on Kilvey Hill (GM315) and the more distant SAMs of Bon y maen standing stone (GM177), St Margaret's Chapel (GM362), Gelli Bwch Round Cairn (GM290) and Llandarcy Round Cairn (GM291), as well as the Grade II listed buildings associated with Capel Salem in Bon-y-maen (LB 22091, LB 22092 & LB 81962).

The Council's archaeological advisers GGAT have reviewed the assessment and have noted that a number of archaeological features ranging from a number of periods were located within the proposed development area. These features include Bronze Age cairns and a number of cairns which cannot be securely dated but together have been considered to be part of a wider funerary landscape.

A series of WWII anti-glider trenches were also noted to be present within the development area and it was considered that the previous proposed projected cable route would have an impact on several linear features relating to the 19th century industrial landscape of Kilvey Hill.

The applicant's heritage assessment has identified sixteen new sites of archaeological interest and as a result, GGAT consider that there is a high likelihood of encountering archaeological remains during the proposed works.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

On this basis a condition is recommended for an extensive archaeological watching brief for the site in accordance with the advice of GGAT.

Subject to this condition it is considered that the proposed development would accord with LDP Policies HC1 and HC2.

Cadw have no objections to the impact of the proposed development on the scheduled monuments.

Glint and Glare

The application has been accompanied by a Glint and Glare Assessment. The assessment found that solar reflections are possible at 10 of the 27 residential receptors assessed within the 500m study area.

However, upon reviewing the actual visibility of the receptors, the assessment has reduced the impact to 'None' at all receptor save for Receptor One (Carn Nicholas Farm) and Receptor Three which were Low. When the impacts of mitigation were considered, the residual impact at Receptor Three reduced to None. It was felt that the impact at Receptor One should be kept at Low, due to the high amount of time glare could occur as well as the possibility of small gaps in the hedgerow allowing some reflections to impact on the receptors. As this impact has been assessed as low, it is not considered, the potential impact upon the occupiers of this property would be significant and is therefore considered to be acceptable.

The assessment considers that no solar reflections are possible at road receptors assessed within the 500m study area and therefore there would be no glint or glare impact.

No impact on train drivers or railway infrastructure is predicted. Similarly no impact on aviation assets is predicted.

On this basis the proposal would not conflict with the criteria of LDP Policy EU1.

Residential Amenity

Turning to residential amenity, apart from the farm house itself and the other dwelling on the site, Rose Cottage, there are no immediate residential properties close to the boundaries of the solar farm site. The LVA notes there will be a Major visual impact reducing to Moderate impact as the proposed landscaping matures, however, the physical proximity of the development to these properties would not result in any significant impacts upon the living conditions of the occupiers by way of any overbearing or overshadowing impacts.

Although there are properties near the cable route and DNO substation compound, again the separation distances to the nearest residential properties is such that the buildings and enclosure for the DNO compound would not result in any significant impacts upon the living conditions of the nearest residential properties.

In terms of noise and disturbance during construction, it is acknowledged that there would be some impacts to nearby residents in this respect, particularly from delivery and site works, given that the construction period is anticipated to be 18 weeks.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

The impacts from these activities can be mitigated by good site management practices. It is recommended that a condition is imposed to require the submission of a construction pollution management plan to deal specifically with matters such as noise, dust, hours of operation.

Any significant noise or environmental health issues arising from the construction phase can be dealt with by separate legislation.

In light of the above it is not considered the proposed development would result in any significant residential amenity impacts and would therefore accord with LDP Policy PS2 and EU1.

Access and Highway Safety

The application has been accompanied by a Construction Traffic Management Plan (CTMP) which sets out the intended route for traffic accessing the site together with measures to manage construction traffic.

Traffic would come off the M4 along Fabian Way before diverting north along Foxhole Road, heading east onto Pentrechwyth Road and Bonymaen Road before turning south onto Llanerch Road. Traffic to the solar farm area would use the existing farm track to enter the Carn Nicholas farm site, this is also a public right of way for approximately half of its length. Traffic to the cable routing area and DNO substation compound would follow the same route along Bonymaen Road but would continue down Ty Draw Road and Coch Y Cwm Road.

The principles of using this route have been agreed under the previous application, however, the additional traffic arising from the proposed extended solar farm area has allowed for the re-consideration of the safety measures to ensure satisfactory pedestrian and highway safety. This is especially important as part of the route travels along a public right of way. The Highways officer has noted a number of concerns with the proposed safety measures and dialogue on ongoing in this respect. However, as the principles have been established it is considered that the details of appropriate safety and traffic management measures can be agreed by a condition for the submission of an updated CTMP. Subject to this condition it is considered that the proposed development would accord with LDP Policies PS2 and T5.

Drainage

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

Notwithstanding this, the application has been accompanied by an outline surface water drainage strategy which indicates the baseline conditions at Carn Nicholas are considered to be favourable in respect of runoff with the underlying soil conditions across the site giving rise to high rates of infiltration and thus low rates of runoff.

Swales are proposed on the margins of the downward slope of each field that would accommodate solar panels. The details of these mitigation features will be considered under the SAB consent regime. In principle, however, it is considered the surface water drainage the proposals would conflict with LDP Policies RP4 and RP5.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

DCWW have advised that the site is crossed by a trunk water it is therefore recommended that an informative note is included with any planning permission to advise the developer of this constraint.

Ecology and Trees

The application has been accompanied by several documents relating to ecology and biodiversity, as listed above.

NRW initially raised concerns regarding the pollution prevention methodology within the CEMP document, however, following amendments, NRW have now offered no objection to proposals subject to conditions.

The main solar farm area has deliberately avoided any Site of Importance for Nature Conservation (SINC) areas, however, the cable route is across habitat within the Kilvey Hill (SINC). The Preliminary Ecological Appraisal (PEA) notes the installation of the cable connection will occur in a 3m wide corridor and will require the temporary removal of topsoil the width of a standard excavator, over a length of approximately 600m within the SINC boundary. Topsoil will be re-instated on completion, with habitats allowed to regenerate from the seed source present within the retained topsoil. The PEA considers the impacts of such works are short term and temporary and are anticipated to be of low impact in the short term and negligible in the medium to long term. These conclusions are accepted.

In relation to the DNO compound and associated access this will require the permanent removal of approximately 0.3ha of semi-improved grassland. These changes will be permanent. The PEA considers the amount of habitat loss is minimal in relation to the entire areas of the SINC and there is no proposed habitat severance or fragmentation. When considering the biodiversity gain associated with the additional woodland block and hedgerow planting, the loss of this relatively small area of semi-improved grassland is considered to be acceptable and would not conflict with LDP Policy ER6.

The PEA notes that majority of the solar farm area is made of semi improved (acidic) grassland with smaller areas of marshy grassland and scrub with the site boundary. However, NRW note that the areas of marsh grassland and any water-courses will not form part of the development footprint and that any existing trees will be maintained with the proposed development.

In relation to bats the PEA confirms there are no buildings within the site, there are, however, a number of individual trees within the proposed area of the solar arrays, but these are all described as being relatively immature and did not hold any obvious potential roosting features (PRF's) for bats. The PEA has identified an Ash tree, along the access track (towards the north of the site) and several mature trees (Oak & Sycamore), which could include PRF's for bats. Following the advice of NRW at the pre-application stage, further information has been provided, this has been reviewed by NRW and confirmation has been provided that a pre-commencement Tree Assessment for potential roosting features will not be needed.

However, should any additional felling or pruning work be required, during construction, NRW have advised that trees identified as having moderate or higher bat potential features should be subject to inspections, such as tree climbing and/or endoscope inspections.

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Any such surveys should be carried out in accordance with best practice guidance and by suitably licenced and experienced ecologists, with the results being made available to the Authority's Planning Ecologist. It is recommended that an informative note is added advising the applicant of this requirement.

In relation to amphibians and reptiles the PEA notes that the proposed development site provides no suitable habitat for breeding Great Crested Newt (GCN) and after assessing the habitat suitability is unlikely to support GCN. There are no ponds within the development site area.

Notwithstanding this, the PEA reports the site is likely to be utilised by a small number of common amphibians and the cable installation has the potential to impact amphibians and reptiles during construction. The PEA notes these works will be temporary, limited to a small area and the habitat will be restored. On this basis the PEA considers this should not lead to adverse effects on the local amphibian and reptile populations.

The Biodiversity Management Plan (BMP) includes reasonable avoidance measures to ensure the protection of any amphibian and reptile species present. It is recommended that these measures should be secured by a planning condition.

NRW has reviewed the BMP and consider that it provides a satisfactory approach to the management of biodiversity assets at the site. In accordance with the advice of NRW it is recommended that the delivery of this plan is secured through a planning condition. The management plan also includes a scheme for the treatment of Japanese knotweed at the site, the Council's Environment officer has confirmed the proposed scheme is satisfactory.

The proposed development is located a relatively short distance (approximately 0.3 km, at its nearest point) to the Cors Crymlyn SAC and SSSI, which also includes the Crymlyn Bog and Pant y Sais NNR and Crymlyn Bog Ramsar site.

NRW consider it unlikely that the proposals would have an adverse effect on the SAC/SSSI, providing that an appropriate Construction Environmental Management Plan (CEMP) and pollution prevention measures are implemented.

In accordance with the Conservation of Habitats and Species Regulations 2017, the Council is currently undertaking a test of the likely significant effect of the proposal on the SAC/SSSI. The test will assess whether the proposals, either alone or in combination with other plans and projects, would result in likely significant effects on the Cors Crymlyn SAC and SSSI. The conclusions of the test will be reported verbally to the planning committee.

Criterion iii. d. of LDP Policy EU1 requires the consideration of the impact of renewable energy developments upon carbon sinks. The reasoned justification to the Policy explains that the Policy is intended to protect areas of peat rich soils that act as carbon stores. These are protected under ER1 Climate Change and blanket bog priority habitats as protected by Policy ER 5 Habitats and Species.

Whilst located within an upland area some 300m from the Cors Crymlyn SAC and SSSI, which includes Crymlyn Bog, the site has not been identified as priority habitat within the PEA.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Moreover, the proposals would involve relatively minor interventions into the underlying soil to facilitate the development such that the animals can continue grazing the land after the installation. On this basis it is not considered that the proposal would result in any significant impact upon carbon sinks and would not, therefore, conflict with criterion iii. d.

In relation to trees the Council's tree officer has reviewed the submitted Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Provisional Arboricultural Method Statement. The tree officer has indicated there is very little conflict between the proposals and trees on site and on this basis has offered no objections to the proposals.

The landscape officer, whilst generally supporting the planting proposals has critiqued certain aspects of the landscaping scheme and requested amendments and clarification on a number of matters. The applicant has sought to address these matters and a refined landscaping scheme has now been provided in accordance with the guidance of the landscape officer. The landscaping details are now considered to be satisfactory and the planting scheme, together with its management, as set out within the BMP, will be conditioned to be implemented in accordance with submitted details.

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

Agricultural Land

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

The application has been accompanied by an Agricultural Assessment which indicates that the majority of the land is Subgrade 3b with areas of Grade 4, however, part of the temporary compound is shown as potentially comprising Subgrade 3a.

The assessment correctly notes that an Agricultural Land Classification survey would be needed. However, as the area to be used only extends to less than 0.5 ha, is to be used only temporarily as a construction compound and then restored to agricultural use or is included only for safety fencing of old mine workings, the land quality should not be affected. Moreover, it should be noted this area is also included within the red line of the extant consent. Therefore even if the land was of Subgrade 3a, it would not be lost to development.

On this basis it is not considered that the proposals would result in the loss of the best and most versatile agricultural land and would not conflict with PPW.

Public Rights of Way

The Rights of Way officer has expressed concerns regarding how the development would impact on public rights of way.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Footpaths BO467 runs along part of the proposed access track and there are concern regarding the impacts the construction traffic could have on the condition of the track. Similarly Footpath BO477 is crossed by the cable route and there are houses that will have to retain their access. The Rights of Way Officer has also requested a Section 106 financial contribution for upgrades to these paths.

The CTMP approved with the extant planning permission included measures to ensure the safe passage of footpath users along the footpaths affected by the development. It is anticipated these measure would be similar to the measures proposed for this application, the details of which will be agreed by a condition for a CTMP.

In relation to the requests to upgrade the paths, it is accepted that the construction traffic travelling along footpath B4067 may cause damage to the surface, therefore, it is recommended that a survey of the path is undertaken both before and after construction works have taken place to ensure that any deterioration of the path is remedied. This can be controlled by a condition. After the construction period the access track would be used for occasional maintenance, however, it is considered this additional use would not justify the request for a financial contribution for the requested upgrade works.

Subject to conditions, therefore, the proposals would not result in any significant impacts upon the public rights of way in the area and would not conflict with LDP Policy T2 and T7.

Land Stability

The Coal Authority have confirmed the site is located within a development high risk area, for former coal mine workings.

The Coal Authority information indicates that within the site and surrounding area there are coal mining features and hazards, specifically probable shallow coal mine workings associated with thick coal seam outcrops and recorded mine entries.

The Coal Authority has not objected to the application but has recommended a planning condition to secure the submission of a proposed mine shaft mitigation scheme.

Further to the Coal Authority's response, the plans have been updated to include a shaft exclusion zone adjacent to the construction compound that was approved under the previous Section 73 application. The provision of these safety measures were secured by a condition. It will therefore be necessary, in the interests of safety, to include such a condition again, should planning permission be granted.

On this basis, and subject to the recommended condition, the development would not conflict with LDP Policy RP7, which broadly requires development sites to be safe and stable to accommodate proposed developments.

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Land Contamination

Policy RP 6 advises that 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.

NRW and the Council's Pollution Control division have reviewed the proposals and, subject to a condition regarding to the finding of any unforeseen contamination within the site, it is not considered the proposals would result in any significant land contamination impacts.

Conclusion

The proposal is for an extension to an approved but not yet constructed solar farm on the slopes of Kilvey Hill. Since the time when the previously approved solar scheme on the site was permitted, subsidies have been withdrawn, and this adversely affects the viability of the approved (5MW) scheme.

According to the applicant the extended development would potentially produce enough electricity to power approximately 3,000 homes annually (based on an average annual consumption of 3,300 kWh of electricity for a house) and save approximately 4,300 tonnes of CO₂.

The application has been supported by a LVA which has assessed the development from a series of viewpoints which have assessed the landscape and visual impact of the development from surrounding the areas.

The proposal would impact mainly upon the properties within the Carn Nicholas farmstead but also the development would have visual impact when viewed from areas of Bonymaen to the north and east of the development. These impacts would be mitigated, to some extent, by the proposed tree and hedge planting.

However, in the overall balancing exercise, and in accordance with PPW, significant positive weight must be given to the contribution the development would make towards achieving national renewable energy targets which seek for Wales to generate 70% of its electricity consumption from renewable energy by 2030.

Matters relating to visual impacts, residential amenity impact, highway safety, drainage, ecology, land stability, heritage impacts and land contamination have been fully assessed within this report. Overall it is considered the development would not conflict with LDP Policies or national planning guidance within PPW and the relevant TANs.

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").

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act. For the above reasons the development is accordingly recommended for approval.

Recommendation

Approve, subject to the following conditions:

1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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

2193.AP.009.1.A - DNO and Client Substations,
CN-NRS-11-1 - Indicative Panel Layout Arrangement,
CN-NRS-11-2 - Indicative Fence and CCTV Detail,
CN-NRS-11-3 - ISO Storage Container,
CN-NRS-11-4 - Indicative Transformer Housing/Switchgear, and
CN-NRS-13A - Application Plan, received on 29th January 2020;
CN-NRS-12B - Proposed Landscape Planting Plan, received on 3rd March 2020; and
CN-NRS-06G - Indicative Planning Layout, received on 13th May 2020.

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

3 The planning permission hereby granted is for a period of 40 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition. Written confirmation of the date of commissioning of the development (defined as the date on which the solar farm is put into active operation for the generation of electricity) shall be submitted to the local planning authority within one month of that date.
Reason: To safeguard the landscape and its visual amenity in accordance with LDP Policies EU1 and PS2.

4 No later than 12 months from the first generation of electricity, the following schemes shall be submitted to and approved in writing by the local planning authority:

- (i) a scheme detailing the removal of all surface elements of the photovoltaic solar farm and any foundations or anchor systems to a depth of 300 mm below ground level;
- (ii) a scheme detailing the restoration and aftercare of the land; and
- (iii) a timetable for completion of the removal and restoration works.

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

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

Planning Committee – 2nd June 2020

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

- 5 No development shall be carried out until details of the methodology for the scope and nature of highway dilapidation surveys, stretching from the public highway along the site access road and public right of way, have been submitted to and approved in writing by the local planning authority. The highway dilapidation surveys shall be carried out in accordance with the approved details, and the results together with details of any remedial works proposed shall be submitted to and approved in writing by the local planning authority within 3 months of completion of the dilapidation surveys. Any remedial works shall be undertaken in accordance with the approved details within 6 months of the date of approval of such details.
Reason: To ensure the condition of the access track does not deteriorate as a result of the development in the interests of highway and pedestrian safety in accordance with LDP Policies T2 and T5.
- 6 No development shall take place until a written scheme of Historic Environment Mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. A detailed report on the archaeological work, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with LDP Policy HC1 and HC2.
- 7 Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details for the entire construction period.
Reason: In the interests of highway safety in accordance with LDP Policies T2 and T5.
- 8 The development shall be implemented and managed in accordance with the approved 'Biodiversity Management Plan, including Japanese Knotweed Management Plan' Version 4.
Reason: To ensure the satisfactory long term landscaping, screening and biodiversity benefits for the development in accordance with LDP Policies ER6, ER8, ER9 and ER11.
- 9 Prior to any site clearance, access works or construction works, the tree protection measures set out within the 'Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Provisional Arboricultural Method Statement' shall be implemented in accordance with the approved details and shall be retained as such throughout the construction period.
Reason: In the interests of protecting the green infrastructure at the site in accordance with LDP Policies ER2, ER8, ER9 and ER11.
- 10 The landscaping scheme as indicated on plan no. CN/NRS/12B (Proposed Landscape Planting Plan) shall be implemented within three calendar months of the commissioning of the development or within the first planting season of the commissioning of the development, whichever is sooner. The landscaping, both existing and proposed, shall be managed in accordance with the details set out within the 'Biodiversity Management Plan, including Japanese Knotweed Management Plan' Version 4.
Reason: To ensure the satisfactory long term landscaping, screening and biodiversity benefits for the development in accordance with LDP Policies ER6, ER8, ER9 and ER11.

Planning Committee – 2nd June 2020

- | | | |
|------------------------|----------------------------|---------------|
| Item 1 (Cont'd) | Application Number: | 2020/0173/FUL |
|------------------------|----------------------------|---------------|
-
- | | |
|----|--|
| 11 | <p>The development shall be implemented in accordance with the environmental and pollution protection measures set out within the document: 111/Drainage/v3 'Drainage and CEMP REPORT'.</p> <p>Reason: Prevention of pollution to controlled waters and the wider environment in accordance with LDP Policies RP1 and RP4.</p> |
| 12 | <p>Prior to the commencement of development on site, the 'Heras Fencing to Mine Shaft' as shown on Drawing No: CN-NRS-06G (Indicative Site Plan) received on 13th May 2020 shall be implemented in accordance with the approved details and be retained for the duration of construction works. No work or material shall be stored in the mine shaft fenced off area.</p> <p>Reason: To ensure the risks posed by former coal mine workings are full considered and mitigated within the development in accordance with LDP Policy RP7.</p> |
| 13 | <p>If, during the course of development, contamination not previously identified is found to be present at the site, no further development shall be carried out within that phase until a detailed strategy for dealing with said contamination has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced by unexpected contamination in accordance with LDP Policies RP1, RP4 and RP6.</p> |
| 14 | <p>Prior to the commencement of development details of the external colour and facing materials of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved details.</p> <p>Reason: To ensure the finishes of the development have regard to its location within the countryside in accordance with LDP Policies EU1 and PS2.</p> |
| 15 | <p>Prior to the commencement of development details of the proposed access tracks shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.</p> <p>Reason: To ensure the construction and external finishes of the access tracks has regard to its location within the countryside in accordance with LDP Policies EU1 and PS2.</p> |
| 16 | <p>The boundary enclosures, as indicated on the approved plans, shall be constructed prior to the commissioning date and shall thereafter be retained until such time that the development is de-commissioned.</p> <p>Reason: In the interests of security, community safety and visual amenity in accordance with LDP Policies EU1 and PS2.</p> |
| 17 | <p>No development shall be carried out until a Construction Pollution Management Plan, detailing all necessary anti-pollution measures including noise, dust and hours of work, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details for the entire construction period.</p> <p>Reason: To mitigate environmental health impacts arising from the construction phase in accordance with LDP Policy RP1, RP2, RP3, EU1 and PS2.</p> |

Item 1 (Cont'd)

Application Number:

2020/0173/FUL

Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: CV2, PS2, HC1, HC2, ER1, ER2, ER5 ER6, ER8, ER9, ER11, T1, T2, T5, T7, EU1, RP1, RP2, RP3, RP4, RP5, RP6 and RP7.

2 Should any additional felling or pruning work be required, during construction that has not been identified as required within the planning submission documents, then trees identified as having moderate or higher bat potential features should be subject to inspections, such as tree climbing and/or endoscope inspections. Any such surveys should be carried out in accordance with best practice guidance and by suitably licenced and experienced ecologists, with the results being made available to the Council's Planning Ecologist.

3 The proposed development is crossed by a trunk water main at the following locations: 268175,194467 and 268234,194592. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times.

The developer must consult Dwr Cymru Welsh Water before any development commences on site.

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

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.

The drainage scheme shall ensure that the development, does not interfere or impact upon the drainage systems of the adjacent permitted site.

5 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

Planning Committee – 2nd June 2020

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

If evidence of dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960).

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

Planning Committee – 2nd June 2020

Item 2

Application Number:

2019/2236/RES

Ward:

Morrison - Area 1

Location:

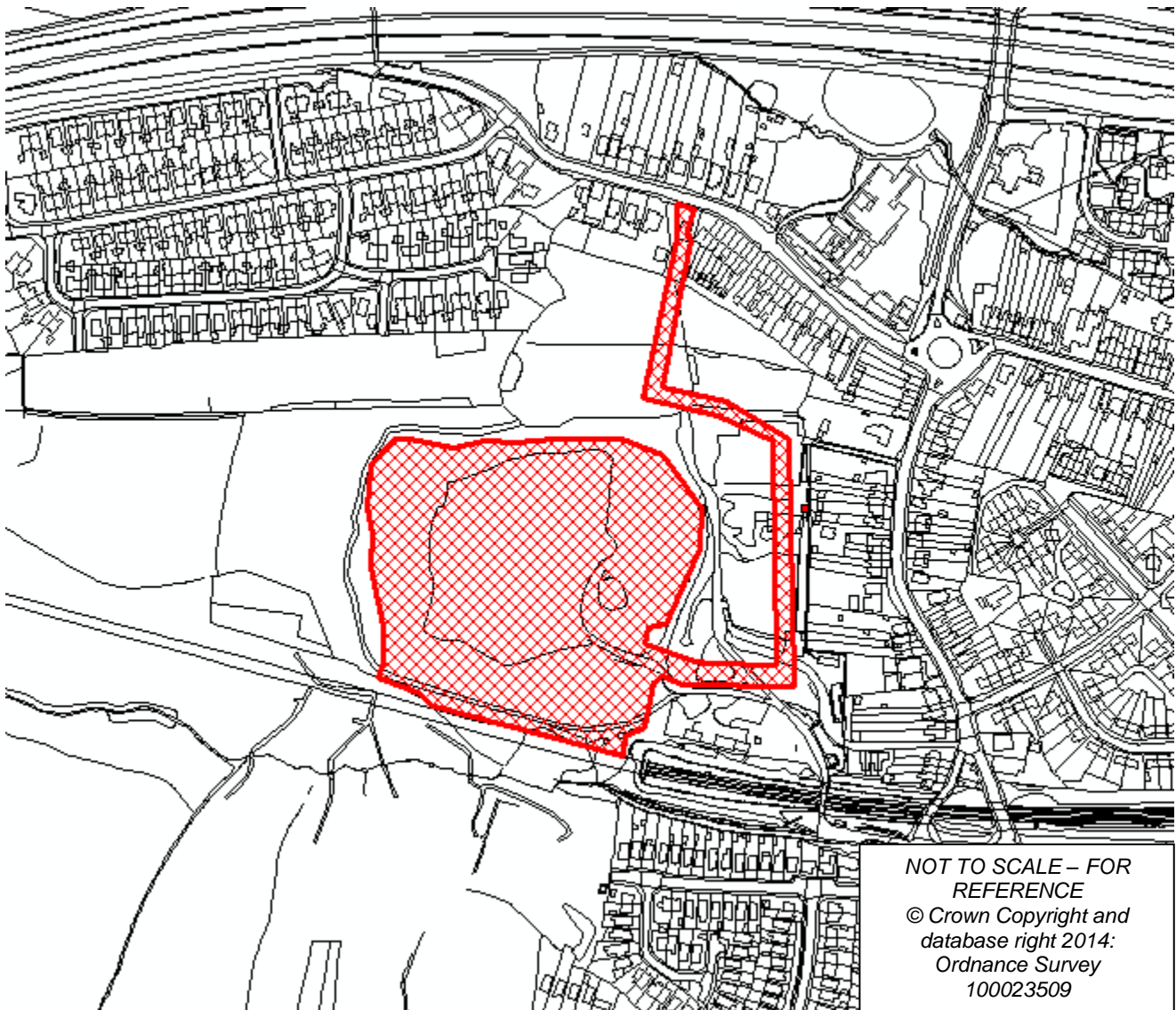
Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6LL

Proposal:

Provision of open space and ancillary infrastructure within former quarry basin (details of access, appearance, landscaping, layout and scale pursuant to outline application 2014/0977 granted 11th January 2018)

Applicant:

Mr Tim Smale Edenstone Homes Ltd



Planning Committee – 2nd June 2020

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/1147/PRE	PRE APP for reserved matter application pursuant to outline 2014/0977 for appearance, landscaping, layout and scale for 310 dwellings, public open space and ancillary infrastructure	PCO	
2018/1873/RES	Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale)	APP	06.12.2018
2018/2019/DOC	Discharge of conditions 7 (presence of gases) and 18 (landfill gases and leachate) of planning permission 2014/0977 granted 11th January 2018	APP	23.05.2019
2018/2317/DOC	Discharge of conditions 5 (A programme for the phasing of the development along with a phasing plan), 9 (The Environmental Management Plan) and 13 (Scheme and method statement for tree protection) of planning permission 2014/0977 granted 11th January 2018	APP	09.04.2019
2019/0219/DOC	Discharge of condition 8 (drainage) of planning permission 2014/0977 granted on appeal 11th January 2018	APP	12.06.2019

Planning Committee – 2nd June 2020

Item 2 (Cont'd)		Application Number:	2019/2236/RES
2019/0220/DOC	Discharge of conditions 10 (confirmation from Natural Resources Wales that an application has been submitted for the definitive closure of site) and 11 (Construction Management Statement) of planning permission 2014/0977/FUL granted on appeal 11th January 2018	APP	10.06.2019
2019/0502/RES	Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018)	APP	12.12.2019
2019/1041/SCO	SCOPING OPINION for a new community hub and gym buildings	REC	
2019/1042/SCR	SCREENING OPINION for a new community hub and gym buildings	EIANR Q	05.07.2019
2019/1473/TPO	Removal of trees that are not suitable for retention, treatment of Japanese Knotweed, further survey work, preparation of groundwork and future development (TPO 654)	APP	08.08.2019
2019/1916/TPO	Removal of the areas identified in red on Plan 1 and 2 of self populated whips and trees covered by TPO 654	APP	24.09.2019
2019/2236/RES	Provision of open space and ancillary infrastructure within former quarry basin (details of access, appearance, landscaping, layout and scale pursuant to outline application 2014/0977 granted 11th January 2018)	PDE	

Planning Committee – 2nd June 2020

Item 2 (Cont'd)		Application Number:	2019/2236/RES
2019/2309/FUL	Construction of community hub in connection with the wider development approved under application ref. 2014/0977 for the cessation of landfill and other operations for development of circa 300 dwellings, public open space, associated highway and ancillary work	APP	04.02.2020
2020/0149/DOC	Discharge of conditions 2 (landscaping), 4 (external works) and 5 (bat and bird boxes) of planning permission 2019/0502/RES granted 12th December 2019 to enable progression of superstructure and occupation of dwellings	APP	26.03.2020
2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)	REF	15.06.2016
2003/0394	Siting of two detached portacabins and portable toilet block	WDN	11.11.2003

Background

This is a reserved matters application in respect of the development of the former Cwmrhydyceirw quarry for housing. Outline planning permission was granted on appeal by the Welsh Ministers in January 2018 under planning ref: 2014/0977 for the following development:

"Proposed Cessation of Landfill and other Operations Enabled by Residential Development Circa 300 Dwellings, Public Open Space, Associated Highway and Ancillary Works (Outline)"

This application is the third reserved matters application to be submitted for the Parc Ceirw site with the other reserved matters applications being:

- Phase 1 comprising of 28 dwellings, public open space and ancillary works, being approved in December 2018 under planning ref: 2018/1873/RES. Phase 1 has commenced on site.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

- Phase 2 comprising 121 dwellings, open space and ancillary infrastructure works, being approved in December 2019 under planning ref: 2019/0502/RES.

Planning permission has also been granted this year for a community hub building within the quarry basin (2019/2309/FUL) and this is indicated on the plans proposed under this reserved matters application.

The open space provision within the quarry basin comprises phase 6 of the Parc Ceirw development, and an updated phasing plan has been submitted which indicates the landscaping works within the basin will commence in March 2021.

Site Location

The application site essentially encompasses the entire quarry basin. Phases 1 and 2 are located at a higher level to the north and east of the basin. The residual areas to the east and west will form part of the later phases for housing. The application site includes the area proposed for housing within the quarry basin, however, details of the housing and landscaping within this area do not form part of this application.

The quarry basin is defined on all sides by steep embankments and/or rock faces. It is well documented that part of the quarry basin has been used for landfilling. These operations have now ceased and the landfill area has been capped.

Description of Development

This proposal is for the landscaping of the quarry basin and this follows the principles established by the outline planning permission that was granted at appeal. The masterplan that formed part of the consideration of the outline application indicated the development of the quarry basin as a multi-functional space with open spaces, walking routes, formal play areas and areas dedicated for the management of the landfill such as the attenuation lagoon.

This application builds on the agreed principles and provides a detailed plan for the development of the basin as a multifunctional space for use by the new occupants at Parc Ceirw and the existing community in Cwmrhydyceirw.

The application has been accompanied by a statement from the applicant which confirms the proposals would comply with the Environmental Statement (ES) submitted with the outline planning application. It is not considered that the proposal would raise any new ecological or landfill impacts which have not already been considered at the outline planning stage. Therefore, it is not considered necessary in this instance for this application to be accompanied by an updated ES.

Planning Policy

Planning Policy Wales (10th Edition) 2018

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, Figure 7: Objectives of Good Design Access Ensuring ease of access for all Promoting sustainable means of travel Sustaining or enhancing local character.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Promoting: legible development / a successful relationship between public and private space / quality, choice and variety / innovative design Achieving efficient use and protection of natural resources / enhancing biodiversity / designing for change Ensuring attractive, safe public spaces / security through natural surveillance Character Movement Environmental Sustainability Community Safety Good Design Appraising Context 28 29 density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

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

Character

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

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.

Promoting Healthier Places

3.19 The built and natural environment is a key determinant of health and well-being. The planning system has an important role in shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal. The way places work and operate can have an impact on the choices people make in their everyday lives, including their travel and recreational choices and how easy it may be to socialise with others.

3.21 Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, disconnection of people from social activities (which contributes to loneliness) as well as the promotion of travel patterns which facilitate active lifestyles. The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well-being.

Car Parking

4.1.50 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.

4.1.51 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.

4.1.52 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.

Community Facilities

4.4.1 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.

Recreational Spaces

4.5.1 Recreational spaces are vital for our health, well-being, amenity and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales.

4.5.2 Planning authorities should provide a framework for well-located, good quality sport, recreational and leisure facilities, and develop clear policies for the provision, protection and enhancement of sport, recreation and leisure facilities. These policies should set standards of provision, so that local deficiencies can be identified and met through the planning process, and set out policies to avoid or resolve conflict between different activities.

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.

Biodiversity and Ecological Networks

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

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

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

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

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

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

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

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

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

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

Protection for Non-statutory Designations

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

Protected Species

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

Trees, Woodlands and Hedgerows

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

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

Capacity of Water Supply and Sewerage/ Drainage Infrastructure

6.6.9 The planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development. The adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.

Sustainable Drainage Systems (SuDS) and Development

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

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

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

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long-term maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

Development and Flood Risk

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

Land Contamination

6.9.18 Planning authorities should take into account the nature, scale and extent of land contamination which may pose risks to health and the environment so as to ensure the site is capable of effective remediation and is suitable for its intended use. In doing so, development management decisions need to take into account:

- the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Physical Ground Conditions and Land Instability

6.9.26 Any planning application in coal mining consultation areas may need to be accompanied by a coal mining risk assessment report, or equivalent. Any works which may intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse and liaison with the Coal Authority must take place. 6.9.27 Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

Adopted Swansea Local Development Plan (2010-2025)

The Swansea Local Development Plan is the extant development plan for the area. The following LDP Policies are considered to be relevant to the determination of this application:

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 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.

Planning Committee – 2nd June 2020

Item 2 (Cont'd)

Application Number:

2019/2236/RES

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.

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.

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

T 2 Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

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.

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

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 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.

Planning Committee – 2nd June 2020

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

- RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.
- RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.
- RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.
- 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.

Supplementary Planning Guidance:

The following supplementary planning guidance (SPG) documents are considered to be relevant to the determination of this application:

- Places to Live - A Residential Design Guide (2014)
- City and County of Swansea Parking Standards (2012)
- The Protection of Trees on Development Sites (2016)
- Planning for Community Safety (2012)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. 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.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Consultations:

Highways:

I can confirm that I am happy with the amendments to the basin access road, the widening on the bend will now allow 2 vehicles to pass.

Placemaking and Heritage:

In terms of the submitted plan details, these are broadly acceptable however there are a few points/questions to be addressed in order to maximise the opportunities for community use presented by this unique site.

Drainage:

No concerns, all necessary drainage elements are clearly shown i.e. the land drain.

Landscaping:

No objection to the layout.

The landscape plan does not contain sufficient information to be approved without further conditions. For this reason the details should be supplied i.e. species, size, type of stock, groundprep, staking, guarding etc.

Ecology:

The Ecology Update Note assesses the results of findings of surveys undertaken in April 2018. However, best practise guidelines state that surveys are only valid for 2 years. Therefore fully updated protected species and a Phase 1 Habitat survey are now required to be undertaken in 2020. The results of these shall be provided to the LPA as an Updated Ecology Note prior to any determination, to inform any ecological constraints to the development.

Bats

It is noted that sections 4.27/4.34 and 5.5 of the updated Ecology report recommends that trees (particularly T1, T2 and T3) and on-site buildings which have bat roosting potential require further updated surveys, prior to any on-site works to the trees or buildings.

Breeding/nesting birds

It is noted from the updated Ecology report that no peregrine were recorded. However, the report recommends in section 5.6 that further pre-construction checks for peregrine are undertaken.

The report also states that three pairs of raven were found nesting on the north of the cliff face. Ravens are fully protected in law by the Wildlife and Countryside Act 1981 (as amended).

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Landscaping strategy

The submitted Proposed POS Plan is acknowledged. It is noted that shrub, hedge and tree planting is proposed. However, no detail has been provided regarding the species to be used. These should be of local, native provenance. Also, it is advised that wildflower planting around the site should be incorporated to increase biodiversity and habitat connectivity.

Conditions

Conditions recommended in relation to: updated surveys for bats, peregrine falcon, raven and landscaping.

Pollution Control:

No objection to this application as long as the conditions specified in application 2014/0977 and the requirements for the Environmental Permit Surrender Process are adhered to and approved by Natural Resources Wales relating to historic contamination at the site.

NRW:

Natural Resources Wales does not object to this application, however we have the following comments to make.

Environmental Permit

As your Authority are aware, part of the red-line boundary for the application is located within the permitted boundary of a landfill site regulated by Natural Resources Wales (NRW). The landfill is yet to be fully restored and is subject to aftercare controls including monitoring of water and landfill gas.

The existing waste deposit has been covered and restored with an engineered cap. Any construction and/or planting scheme must ensure the integrity of the capped area, and any existing monitoring infrastructure is not damaged.

We would also advise that groundwater within the development area is artificially lowered, via continued pumping. The cessation of pumping may lead to flooding within the proposed development area and must be avoided.

Any development taking place within the boundary of the Environmental Permit, your Authority may wish to seek confirmation from Applicant / Landfill Operator that the closure and aftercare plan has been submitted and agreed with Natural Resources Wales (NRW) and the site is in definitive closure.

Matters related to the Environmental Permit are dealt with via a separate regime to those covered by planning.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Geoscience

The applicant needs to ensure that the proposed works do not affect the ability of the landfill operator to manage their site and comply with permit conditions. Any works resulting from the proposal must also not affect NRW's ability to assess compliance.

Any works must not affect the structural integrity of the landfill and its cap and must allow the ongoing monitoring of leachate and gas and the ability to continue managing the dewatering required to prevent pollution of groundwater.

The presence of a 'Storm Water Drain' is shown on a number of the drawings / plans, submitted in support of the application. It is unclear from the plans exactly where the water from this drain is being discharged to. Therefore, your Authority may also wish to seek clarification of this prior, to determination of the application.

If this water is to be discharged into the existing sump on site (which is used to maintain groundwater levels beneath the landfill), then we wish to highlight to your Authority, that allowing the surface water to drain into this sump may affect their ability to maintain the water level in the sump at the level agreed in the Environmental Permit to prevent groundwater pollution.

Therefore, your Authority may wish to seek further clarification regarding this matter and evidence that water levels can be maintained at the agreed levels.

South Wales Police Designing Out Crime Officer:

Detailed comments and recommendations provided to address the potential for crime/anti-social behaviour at site.

Wales & West Utilities:

Advice note explaining Wales and West has pipes in the area which may be affected during construction works.

Neighbour comments:

The application was advertised in the press and by site notices. No responses were received to the public consultation.

Main Issues

The main issues to consider in the determination of this application relate to the impacts of the development upon the character and appearance of the area, the impacts upon highway safety, trees and ecology, drainage and land contamination having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Principle of Development

The principle of the development has been established by the appeal decision which granted outline planning permission. This application will therefore consider the acceptability or otherwise of the details submitted for the approval of reserved matters in respect of access, appearance, landscaping, layout and scale within this phase.

Character and Appearance

The proposed layout reflects the broad principles set out within the masterplan at the outline planning stage. Existing woodland areas to the north, east, and west of the quarry basin will be retained as green infrastructure features and will provide a mature landscaped backdrop to the new proposals within the basin. The former landfill areas within the basin will be landscaped and engineered to provide a central circular footpath "trim trail" route which is bordered by seating and exercise stations.

Within the central area enclosed by the central footpath the proposals include a flat open play area that could be used for informal ball sports. A picnic area and further informal paths would be created within a proposed woodland area to the east of the open play area.

Within the southern area of the basin a Local Equipped Area of Play (LEAP) and Local Area of Play (LAP) are proposed. These facilities would be sited adjacent to the community hub building proposed under planning ref: 2019/2309/FUL that will provide a multi-purpose community building and gym building for the use of the community.

A semi-circular vehicle parking area is proposed accessed by a new road that would link into the roads proposed for future phases.

Extensive areas of new tree and shrub planting are proposed within the quarry basin and this, coupled with the retention of the existing areas of woodland and the natural changes in levels through the site will provide an interesting outdoor space that has the potential to provide real benefits to the community as an area to meet, walk, play and exercise. No detailed plans have been provided for the play or leisure equipment within the quarry basin as such it recommended that a condition is imposed requiring this information.

The masterplan layout confirms there will be areas within the site that will not be accessible to members of the public, this includes the eastern woodland area which includes the pumping infrastructure required to manage the ground water levels and the attenuation lagoon. The fencing-off of these areas is considered to be necessary to protect this essential infrastructure.

The future plans to develop the quarry floor for housing within phase 5 will ensure that this vast area of open space is overlooked and will provide activity in any around the road leading to the open space area.

The Placemaking officer is generally supportive of the proposals, and the applicant has provided further information and clarification on the matters raised by the placemaking officer. The South Wales Police Designing Out Crime officer has also reviewed the proposals and the recommendations made in respect of CCTV cameras and lighting have been incorporated within the proposals.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

The Section 106 attached to the outline planning permission included a provision that the open space shall be provided prior to the occupation of 90% of the dwellings. For the avoidance of doubt it is recommended that a condition is imposed on this reserved matters application to confirm this previously agreed trigger in the interests of ensuring the open space is provided in a timely manner, for the benefit of the occupiers of the development.

Overall the layout, design and landscaping approach reflects the principles set out within the masterplan at outline stage. The layout responds positively to the sites constraints and opportunities and accords with the principles of good design. On this basis it is considered that the proposed development would accord with LDP Policies PS2, SI6 and would accord with the guidance contained within the SPG document 'Places to Live - A Residential Design Guide'.

Access and Highway Safety

This application includes a road connection to the future housing phases. The road design has been amended following Highways comments and is now considered to be acceptable.

The vehicle parking area will provide 12 spaces including 2 disabled spaces. The Parking Standards SPG does not include parking standards for areas of open space, however, as the overall proposals for the development of the quarry basin include a multi-purpose community building and gym (albeit these elements have been submitted for consideration under a separate planning application) it is considered prudent to consider those proposals when assessing the level of parking provision at the site.

The car parking standards do not include a dedicated section for multi-purpose community buildings, however, having regard to the parking standards for other "community establishments" it is considered that 1 operational space plus 1 space per 2 facility users would provide a reasonable basis to consider the parking provision for the site. Having regard to the maximum standards, and the fact that the open space within the basin and associated facilities are intended to serve the wider community and are accessible by foot and bike, it is considered that the proposed parking provision is acceptable to serve the development. Tracking information has been submitted to confirm that a fire tender can safely turn within the car parking area and cycle parking is indicated at a number of locations within the open space area.

On this basis the proposed access and parking provision is considered to be acceptable when considered against adopted parking standards. In this respect it is considered that the development would comply with LDP Policies T2, T5, T6 and the Parking Standards SPG.

Landscaping and Ecology

An Environmental Management Plan (EMP) has been approved under condition 9 of the outline planning permission. This provides a site wide strategy for ecological mitigation, compensation and enhancement. The plan includes specific mitigation measures for bats, peregrine falcon, amphibians and reptiles.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

This includes, but is not limited to the retention, protection and long-term management of existing woodland, grassland and scrub on the quarry slopes/at the base of the quarry; the retention, protection and enhancement of the main sump pond and terrestrial habitat of value to reptiles and amphibians; the treatment and eradication of invasive species (e.g. Japanese knotweed); and inclusion of habitat features to enhance the Development Site for nesting birds and roosting bats, mitigating for habitat loss elsewhere. On this basis it is not considered necessary for the submission of further detailed mitigation measures for the quarry basin proposals, however, a specific condition is considered necessary for details of an ecologically sensitive lighting scheme.

The Council's planning ecologist has reviewed the updated ecology note submitted by the applicant. The note reviews ecological surveys undertaken in April 2018. The planning ecologist has requested updated ecological surveys as best practice indicates that surveys are only valid for two year. Notwithstanding this, due to the Covid 19 outbreak NRW have indicated that, in relation to applications for protected species licences, as it may not be possible to update surveys this season, NRW has extend the normal two year period and accept surveys from the last three years. In light of NRW's approach, and due to the exceptional circumstances and restrictions imposed by Covid 19, it is not considered necessary or reasonable for the ecological surveys to be updated prior to determination in this instance as the survey are just over two years old. The surveys submitted are therefore considered fit for purpose.

A number of conditions have been recommended by the planning ecologist in relation to: updated surveys for bats, peregrine falcon, raven and landscaping.

Updated ecology surveys for buildings or trees are not considered to be necessary for this application as there are no buildings within this reserved matters application site. Moreover the trees specified as having bat roosting potential (T1, T2 and T3) are also outside of the this reserved matters site. A condition is considered to be necessary in relation to pre-construction checks of the quarry face for peregrine falcons and ravens. A condition recommending a 5 year peregrine falcon and raven monitoring plan is not considered to be reasonable as the EMP, which was informed by the updated ecology note, has been approved without the requirement for such a monitoring plan as such it would now be unreasonable to request this additional monitoring plan.

The Council's tree officer has reviewed the indicative landscaping strategy and has offered no objections to the proposals subject to the submission of further information in relation to species, size, stock, ground preparation, staking, guarding etc. In light of these comments, and to ensure that the scheme incorporates wildlife friendly species, it is recommended that a condition is imposed requiring the submission of a detailed scheme for landscaping the quarry basin. Subject to this condition, therefore, it is considered that the proposed development would not conflict with LDP Policies ER2, ER6, ER8, ER9 or ER11.

Drainage

Condition 8 of the outline planning permission required the provision of a site wide drainage strategy to be submitted based on sustainable drainage principles. The condition allows for phased drainage operations and a detailed drainage scheme has been submitted with this application.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

The applicant's drainage statement confirms all surface water from the development will be discharged at an attenuated rate into the existing Cwmrhydyceirw Stream along the southern boundary of the wider site. Land drainage can also be discharged to the proposed surface water system.

NRW have made comments regarding where the "Storm Water Land Drain" will discharge to and have expressed concerns regarding the potential impact of discharging into the sump and the requirement to maintain ground water levels at an artificially lower level in order to prevent groundwater pollution.

The applicant has clarified that the "Storm Water Land Drain" will be conveyed unrestricted directly to the attenuation lagoon/sump by way of an overland flood route. The applicant has further confirmed that since the inception of the development a fundamental principle of the surface water drainage strategy was for the sum to be used to attenuate surface water runoff associated with higher rainfall events.

A further drainage technical note has been issued by the developer in order to respond to NRW's comments. The sump levels are currently the subject of separate discussion with NRW in order to address the requirement of the permit variation and to address the requirements of Schedule 1, Part 1 Clause 13 of the S106 which requires details of the ground and surface water pumping systems to be approved by the local planning authority. It is considered that matters relating to the sump levels will be dealt with through these ongoing discussions with NRW and it is not considered necessary to impose any further conditions in this respect on this current application.

The Council's drainage officer is satisfied with the drainage scheme, and on this basis it is considered the development would not conflict with LDP Policies EU4, RP4 and RP5.

Land Contamination

The outline planning permission includes conditions in respect of the requirements to address environmental and human health matters associated with the former landfill operations at the quarry, specifically relating to gas protection measures for the dwellings (condition 7), and for the monitoring of landfill gas and leachate (condition 18). As no dwellings are proposed in this phase no gas protection measures are considered necessary. The requirements of condition 18 have previously been satisfied. Moreover, in accordance with the requirements of condition 10, the developer has provided written confirmation to the local planning authority that an application has been submitted to Natural Resources Wales (NRW) for the definite closure of the landfill site and discussions are ongoing between the developer and NRW in this respect.

NRW have noted that the landfill area has been covered and restored with an engineered cap and that any construction and or/planting scheme must ensure the integrity of the capped area, and that any existing monitoring infrastructure is not damaged. These requirements can be agreed through the submission of suitable method statements by a planning condition.

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Similarly NRW have noted that the applicant needs to ensure that the proposed works do not affect the ability of the landfill operator to manage the site in compliance with the permit conditions and must not affect NRW's ability to assess compliance with the permit. The applicant has acknowledged these requirements which can be dealt with through the permit process.

NRW have indicated that before any development takes place within the Environmental Permit boundary, the local planning authority may seek confirmation from the applicant/landfill operator that the closure and aftercare plan has been agreed with NRW. This requirement was not included within the outline planning permission and it would not now be reasonable to include such a requirement within this reserved matters application.

The Council's Pollution Control division have offered no objection to the proposals subject to the conditions of the outline planning permission and the requirements for the Environmental Permit surrender process being adhered to.

Both NRW and the Council's Pollution Control division have offered no objection to this reserved matters application, on this basis the proposed development would not conflict with LDP Policies RP1 and RP6, subject to the condition noted above.

Land Stability

The ES submitted with the outline application was able to conclude that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. On this basis the proposed development would not conflict with LDP Policy RP7.

Conclusion

This is a reserved matters proposal for the development of the quarry basin as a landscaped area of open space. The proposal follows and builds upon the principles established at the outline stage to create a multi-functional area for the benefit of the new community and existing community at Cwmrhydyceirw. The proposal is considered to be acceptable in accordance with LDP Policies relating to matters regarding: design/layout; highway safety; drainage; land contamination; land stability; and ecology.

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

Item 2 (Cont'd)

Application Number:

2019/2236/RES

Recommendation

Approve, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:
 - 101 Rev B (Site Location Plan)
 - 1461302-SBC-00-XX-DR-L-003-PL03 (Proposed POS Plan), received 20th December 2019.
 - 13169-300 REV F (Community Hub Engineering Layout)
 - 13169-311 REV B (Vehicle Tracking Layout)
 - P6 - 100 REV B (Master Layout), received 26th March 2020.

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

- 2 Notwithstanding the details submitted to date, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and the open space shall be available for public use prior to the occupation of 90% of the dwellings within the site. 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 LDP Policies ER8, ER9 and ER11.

- 3 Prior to the commencement of development within the quarry basin a method statement shall be submitted to and approved in writing by the local planning authority detailing the measures to ensure the construction and landscaping within the open space area shall protect the integrity of the engineered landfill cap. The development shall be implemented in accordance with the approved method statement.

Reason: To ensure the development would not compromise the integrity of the engineered landfill cap in accordance with LDP Policy RP1, RP4 and RP6.

- 4 Prior to the beneficial use of the open space area, the parking areas indicated on the approved plans shall be constructed, shall be clearly demarcated on the ground, shall be made available for vehicular parking only and shall be used for no other purpose for the lifetime of the development.

Reason: In the interests of highway safety in accordance with LDP Policies T5 and T6.

Planning Committee – 2nd June 2020

Item 2 (Cont'd)

Application Number:

2019/2236/RES

5 Prior to their installation, full details of the following element shall be submitted to and approved in writing by the Local Planning Authority:

- Full details of the layout and equipment for the LEAP and LAP
- Full details of the equipment for the trim trail
- Full details of the benches/tables
- Full details of the location and type of CCTV equipment
- Full details of the exterior of the wet well structure and associated steps

The development shall be implemented in accordance with the approved details prior to the occupation of 90% of the dwellings within the site of the outline permission.

Reason: To ensure the layout and design of the equipment proposed is satisfactory in the interests of ensuring the open space area is functional and designed to a good standard in accordance with LDP Policy PS2.

6 Prior to its installation, details of an external lighting strategy to cover the construction stage and operational stage shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure an ecologically sensitive lighting strategy is installed in accordance with LDP Policies ER2, ER8 and ER9.

7 Prior to any works within 10m of the quarry face pre-construction checks for nesting peregrine falcon and raven on the quarry faces shall be undertaken in accordance with the methodology and mitigation measures specified in paragraph 4.26 of the Environment Management Plan.

Reason: To ensure appropriate mitigation is in place for protected species in accordance with LDP Policies ER2, ER8 and ER9.

Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: ER2, ER6, ER8, ER9, ER11, EU4, PS2, SI6, T2, T5, T6, RP1, RP4, RP5, RP6 and RP7.

2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

Planning Committee – 2nd June 2020

Item 2 (Cont'd)

Application Number:

2019/2236/RES

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

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

- 4 A sensitive lighting plan shall be adopted to protect bats and other nocturnal species, and to protect nearby habitats. A plan showing location and specification for any proposed lights on the site must be submitted to the LPA for approval, prior to any determination. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance, with levels kept to 2700-3000 Kelvins.
- 5 All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

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

- 6 You are advised to design the development taking into consideration the advice provided by the South Wales Police Designing Out Crime Officer dated 30th October 2019.
- 7 Please note the ecology surveys within the updated ecology note are now over 2 years old. Updated surveys will be required for any subsequent reserved matters applications at the site, in accordance with best practice.
- 8 The landscaping scheme shall include native tree, hedgerow and shrub planting with a combination of diverse native tree and shrub species and varied nursery aged stock.

The landscaping scheme shall have a mix of native species of local provenance, to include fruit and nectar bearing shrubs, trees and wildflowers shall be provided to increase biodiversity and to provide foraging resources for local birds, small mammals and invertebrates and to increase habitat connectivity.

Planning Committee – 2nd June 2020

Item 3

Application Number:

2019/2523/S73

Ward:

Bonymaen - Area 1

Location:

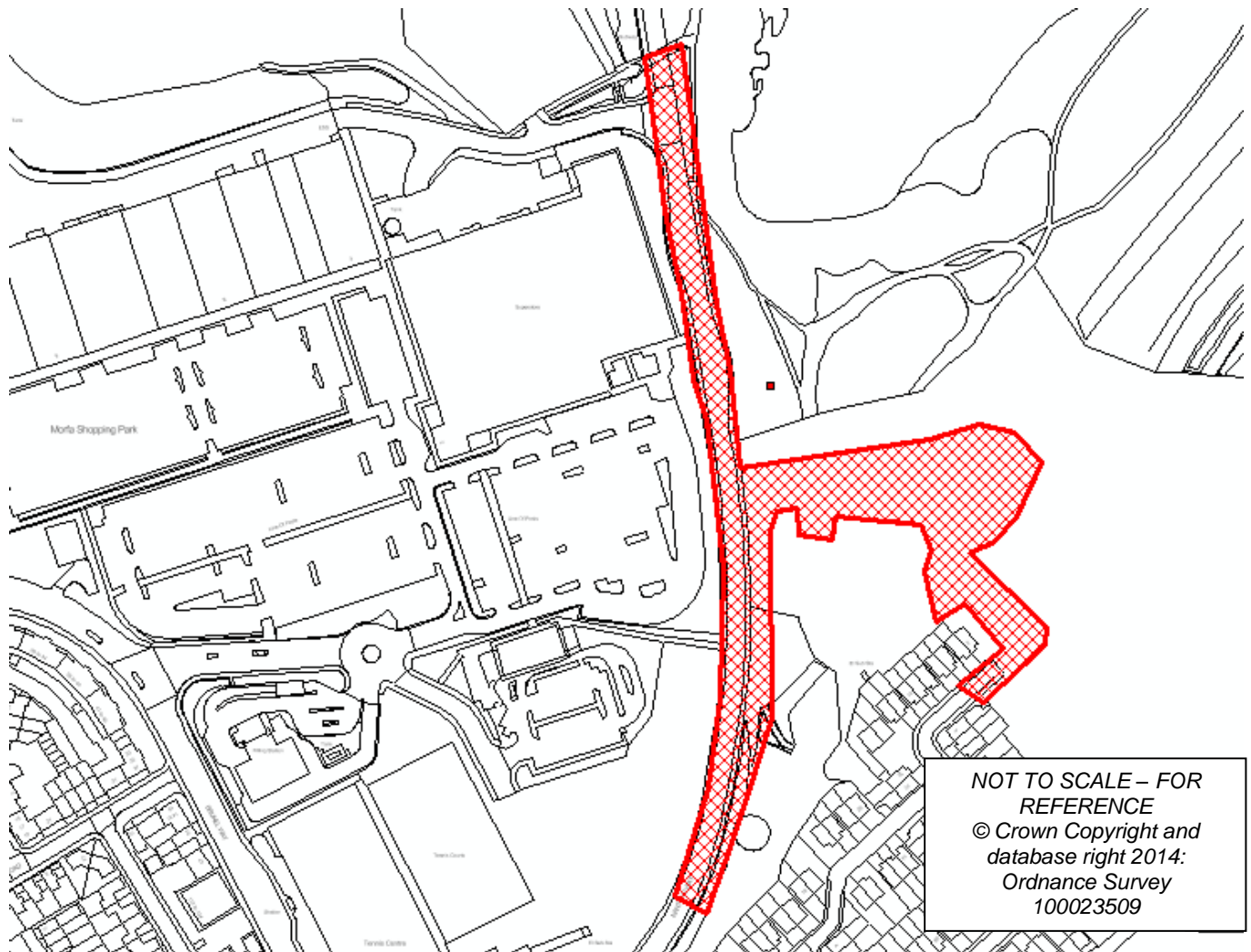
Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea

Proposal:

Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73 and 2019/0536/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2018/1204/S73 granted 3rd October 2018 (to extend the trigger to construct the permanent Nantong Way access)

Applicant:

Hygrove Homes (Swansea) Ltd



Planning Committee – 2nd June 2020

Item 3 (Cont'd)

Application Number:

2019/2523/S73

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/1204/S73	Residential development with construction of new vehicular access off Nantong Way (outline) without complying with condition 15 (new access off Nantong Way) of Section 73 planning permission 2014/1189 granted 22nd October 2015 (to extend the trigger to construct the Nantong Way access prior to the occupation of the 146th dwelling house)	APP	03.10.2018
2018/1790/FUL	Construction of temporary access road off Nantong Way	TEM	17.09.2018
2019/0536/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189 and 2018/1204/S73. Variation of condition 7 of planning permission 2018/1204/S73 granted 3rd October 2018 to replace the reference to the temporary access road approved under 2018/1790/FUL with the reference to a temporary access along the alignment of the permanent access road approved under 2017/0026/FUL	APP	05.06.2019

Planning Committee – 2nd June 2020

Item 3 (Cont'd)

Application Number:

2019/2523/S73

2019/2523/S73

Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73 and 2019/0536/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2018/1204/S73 granted 3rd October 2018 (to extend the trigger to construct the permanent Nantong Way access)

PDE

Background

This application is reported to committee as the site area for the original outline planning permission 2006/1902, which this application seeks to vary, exceeds the committee threshold of 2 hectares.

The description of development for the original outline planning permission reads as follows:

'Residential development with construction of new vehicular access off Nantong Way'

The site is currently being developed by Hygrove Homes and reserved matters applications have been approved for 149 dwellings on the original outline application site. Full planning permission has also been granted this year for a further 107 dwellings on land falling partly within and outside of the original outline site area (2018/2692/FUL).

There have been several variations to the original planning permission with the most recent being in 2019 (2019/0536/S73) to vary condition 7. Condition 7 was imposed to ensure that an alternative temporary access would be available to the site, in addition to the current left in left out access off Brunel Way, until such time that the permanent access off Nantong Way is constructed and available for use. The variation of condition 7 was approved to allow for a temporary access to the site along the alignment of the permanent access.

The 2019 application was submitted following an earlier Section 73 application submitted in 2018 (2018/1204/S73) whereby planning permission was granted to vary condition 15 to extend the trigger to provide a permanent new access off Nantong Way so that no more than 146 dwellings were to be occupied prior to the construction of the permanent access. The planning permission also included a condition that no more than 108 dwellings shall be occupied until the temporary access approved under Ref: 2018/1790/FUL is in place.

Item 3 (Cont'd)

Application Number:

2019/2523/S73

The temporary access has now been constructed on site on the alignment approved under 2018/1790/FUL and not on the alignment of the permanent access.

It is evident that the developer will not be in a position to construct the permanent access off Nantong Way within the timescales currently specified within the planning permission i.e. before the occupation of the 147th dwelling.

To summarise, the Upper Bank site is currently being developed by Hygrove Homes. There are triggers on the original outline planning permission and S106 agreement to require the developer to provide a permanent access off Nantong Way. To date this permanent access has not been constructed. This application therefore seeks to vary the permission in order to extend to trigger point to provide the permanent access off Nantong Way.

Description of Development

This application seeks for a further variation to the trigger to provide the permanent access off Nantong Way. The applicant had originally requested a trigger with the effect that the new access would be provided prior to the occupation of the 201st dwelling house. However, as 201 dwellings have not been approved under the reserved matters applications at the site this would not be an appropriate or an enforceable trigger.

Instead, it is now proposed to vary condition 8 of planning permission 2018/1204/S73 with the effect that the trigger to complete the permanent access would be extended to 30th April 2021.

Planning Policy

Planning Policy Wales (10th Edition) 2018

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.

Item 3 (Cont'd)

Application Number:

2019/2523/S73

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.

Adopted Swansea Local Development Plan (2010-2025)

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

T1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

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

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press. No responses have been received to the public consultation.

Other consultation responses:

Highways

The crossing works will be implemented between May and July 2020, with a programmed commissioning date of W/C 27th July 2020. From our end this is achievable.

I can confirm that 30th April 2021 is acceptable for the completion of the permanent access works.

Appraisal

Main Issues

The main issue in this instance is whether the extension of the trigger to provide the new permanent Nantong Way access would result in any significant highway safety impacts that would justify refusing the planning application for this reason.

This is a Section 73 application that seeks to vary condition 8 of planning permission 2018/1204/S73 to extent the trigger to provide the new permanent access off Nantong Way.

Condition 8 currently reads as follows:

"No more than 146 dwellings shall be occupied on the site until the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use.

Item 3 (Cont'd)

Application Number:

2019/2523/S73

The existing left-in/left-out access arrangement for vehicular traffic onto Brunel Way shall incorporate a lit, pedestrian / cycleway access points at the south-western corner of the site together with a connection to the existing footbridge over the A4217 and an additional lit, pedestrian/cycleway access at the north-eastern corner of the site, the details of all of which shall be submitted to and approved by the Local Planning Authority as part of the reserved matters approval, and the works completed in accordance with the approved details.

Reason: To ensure good accessibility, in the interests of safety for pedestrians and cyclists and to provide a safe route to school for local school children".

The application has been accompanied by a Transport Statement produced by entrant together with a drawing indicating the provision of pedestrian safety measures for the temporary access off Nantong Way to include dedicated pedestrian footways and crossing points within the site and on Nantong Way.

Highways had initially expressed concerns with the proposals regarding the safety aspects of the extended and more intensive use of the temporary access. However, following the applicant's submission of a scheme indicating enhanced pedestrian safety measures along the temporary access route together with the provision of an extended footway on part of Nantong Way, and following further dialogue with Highways, which will see a permanent signalled crossing provided across Nantong Way, Highways are no longer objecting to the proposals.

On this basis it is considered that the variation of condition 8 to provide the permanent access on or before 30th April 2021 is acceptable.

In order to ensure the temporary access is upgraded with the enhanced pedestrian safety measures and the Nantong Way crossing is provided in a timely manner, it will be necessary to include a condition for the provision of these measures by 27th July 2020. This date reflects Highways programmed operational date for the permanent signalled pedestrian crossing on Nantong Way.

The provision of the enhanced pedestrian safety measures along the route of the temporary access in a timely manner and the provision of the permanent signalled crossing would, it is considered, address the highway safety concerns with the proposal. The proposal would therefore accord with LDP Policies PS2, T1, T2 and T5 which, amongst other things, seek to ensure that developments take the opportunity to enhance active travel and provide for safe pedestrian and vehicular movements.

Other Matters

The Section 106 attached to the original permission includes a requirement for the permanent Nantong Way access to be provided by the timescales specified within original trigger i.e. no more than 80 dwellings to be occupied until the Nantong Way access is in place.

As with the previous application to extend the time period to provide the permanent access, it is recommended that an informative note is included with this planning permission to advise the developer that they will need to apply to vary the S106 to accord with the requirements of this planning permission.

Conclusion

It is considered that the extension to the trigger to provide the permanent Nantong Way access, as proposed, would be acceptable and would not conflict with LDP Policies PS2, T1, T2 and T5. Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act").

Item 3 (Cont'd)

Application Number:

2019/2523/S73

In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. For the above reasons the development is accordingly recommended for approval.

Recommendation

Approve, subject to the following conditions:

- 1 Approval of the details of the siting, means of access, design and external appearance of the dwellings/buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development on each phase is commenced. This permission specifically excludes the road layout shown on the indicative masterplan.

These reserved matters applications shall be in accordance with a full reserved matters design and development framework document for all of the site to be submitted to and approved by the Local Planning Authority prior to or contemporaneously with the first reserved matters application. The design and development framework will address the key design issues of:

- Creating local distinctiveness.
- Integrating the development into the adjacent development site.
- Linkages with surrounding communities and facilities.
- Accessibility.
- Permeability.
- Legibility.
- Scale and massing.
- Creating people friendly streets.
- Public open space, landscaping and biodiversity.
- Designing out crime.
- Reducing car dependence and use.
- Encouraging cycling and walking.
- Sustainable water use and drainage.
- Reducing building energy consumption.
- Building design and materials.
- The frontage to Nantong Way and Brunel Way.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

- 2 Detailed plans and drawings with respect to the matters reserved in condition 1 shall be submitted for approval by the Local Planning Authority in accordance with the approved Design Development Framework pursuant to condition 1.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design and to ensure that the development is carried out in an orderly and satisfactory manner in accordance with LDP Policy PS2.

Planning Committee – 2nd June 2020

Item 3 (Cont'd)

Application Number:

2019/2523/S73

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

- 3485.SL03 (Proposed Development Site)
- 444-73-001 Rev B (Section 73 - Phase 7-8 - Temporary Pedestrian Link)

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

4 The landscaping scheme for the site to be submitted as part of the reserved matters and shall incorporate an area of public open space, not less than 0.2h in area and to include an equipped play area and the scheme as approved shall be carried out in accordance with the approved programme of phasing. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity of the site as a whole, in accordance with LDP Policy PS2, ER11 and to accord with Section 197 of the Town and Country Planning Act 1990.

5 No dwelling unit within the development shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety in accordance with LDP Policy T5.

6 The use of any retaining walls to support the internal road network will need to be supplemented by full structural calculations and drawings to be submitted for approval of the Local Planning Authority prior to the construction of any such works commencing on site

Reason: To allow the proper consideration of all details in the interests of highway safety in accordance with LDP Policy T5.

7 By no later than 27th July 2020 the temporary access off Nantong Way approved under planning permission 2018/1790/FUL and implemented on site shall be enhanced with the additional safety measures as set out in green, red, and blue on drawing no. 444-73-001 Rev B (Section 73 - Phase 7-8 - Temporary Pedestrian Link). For the avoidance of doubt, the enhanced safety measures shall include a signalled pedestrian crossing on Nantong Way. The enhanced safety measures shall thereafter remain in place as approved until the permanent access off Nantong Way has been completed.

Reason: In the interests of active travel, highway and pedestrian safety in accordance with LDP Policies PS2, T1, T2 and T5.

8 By no later than 30th April 2021 the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, shall be constructed in accordance with the approved details and shall be available for use.

Reason: In the interests of active travel, highway and pedestrian safety in accordance with LDP Policies PS2, T1, T2 and T5.

Item 3 (Cont'd)

Application Number:

2019/2523/S73

- 9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority for a Method Statement to detail how this unsuspected contamination shall be dealt with. The development shall be implemented in accordance with the approved Method Statement.
Reason: To ensure that the development complies with the approved details in the interests of the protection of controlled waters in accordance with LDP Policies RP1, RP4 and RP6.
- 10 Prior to the occupation of the housing phases a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with best practice. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals, where necessary shall also be detailed in the report.
Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard in accordance with LDP Policies RP1 and RP6.
- 11 The housing phases shall not be occupied until a scheme for the foul water, surface water and land drainage has been implemented in accordance with details to be approved with the reserved matters.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with LDP Policies RP4 and RP5.
- 12 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment in accordance with LDP Policies RP4 and RP5.

Informatives

- 1 Notwithstanding the decision on this application, an application for a Deed of Variation of the S106 agreement is required to ensure compliance between the planning permission and S106 agreement.
- 2 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, T1, T2 and T5.
-

Planning Committee – 2nd June 2020

Item 4

Application Number:

2020/0490/FUL

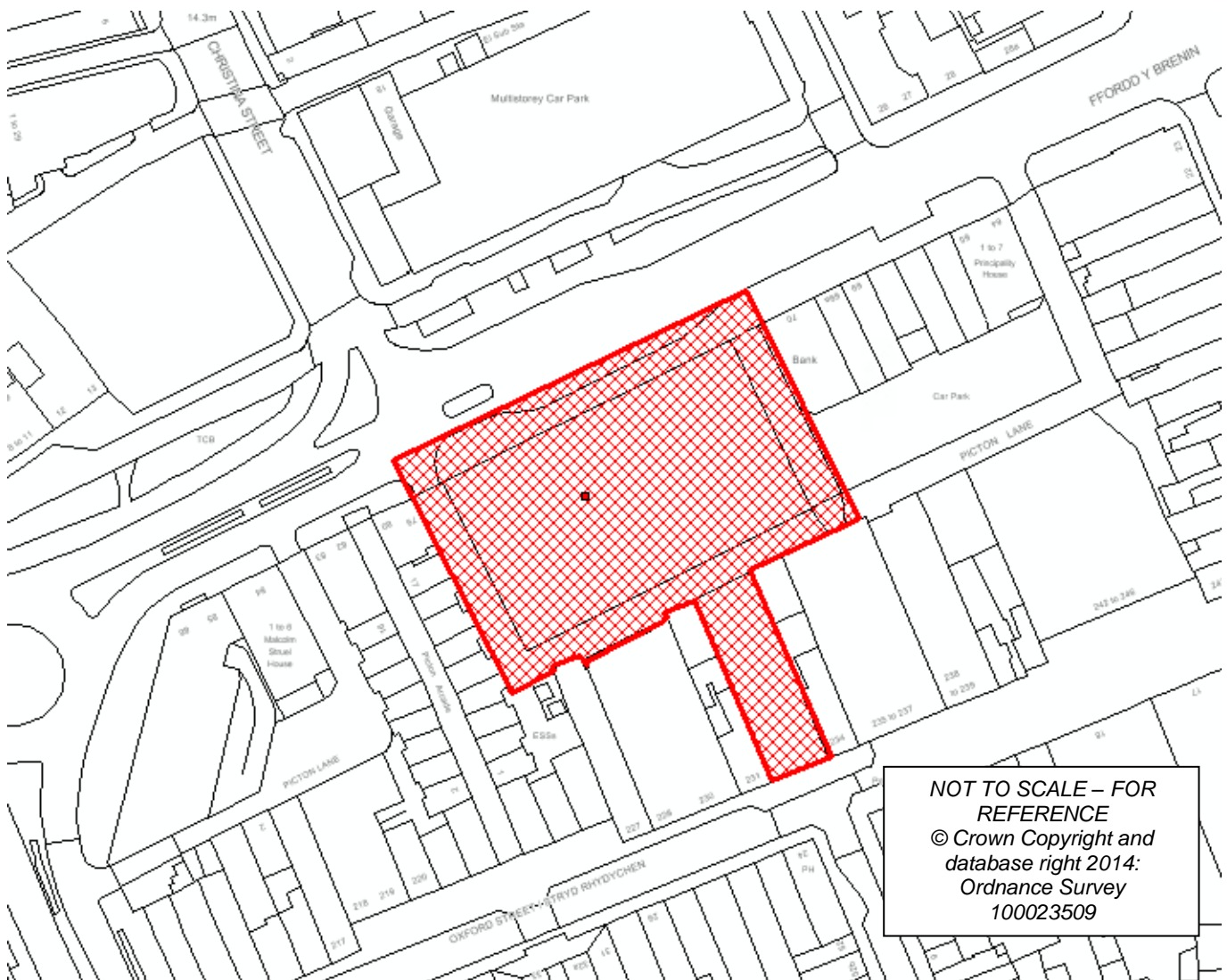
Ward:

Castle - Bay Area

Location: 71 - 73 The Kingsway, City Centre, Swansea,

Proposal: Construction of a mixed use five storey building (above ground level) to provide flexible office / workspace (Class B1) with ancillary communal and commercial uses at basement, lower ground floor and ground floor levels (Classes B1/ A1 / A3 / D1 & D2) and public event / meeting space at roof level (Classes B1/ A3 / D1 / D2) with creation of new pedestrian link, vehicular servicing, public realm / landscaping / green infrastructure and ancillary works.

Applicant: City & County Of Swansea



Background Information

Policies

LDP - PS1 - Sustainable Places

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

LDP - PS2 - Placemaking and Place Management

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

LDP - PS4 - Sustainable Employment Strategy

Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 13,600 additional jobs over the Plan period, result in a requirement for 19ha of employment land, provided for through the sustainable employment strategy, including areas of employment use incorporated within allocated mixed use Strategic Development Areas (SD's G, H, I, J, K).

LDP - SD1 - Strategic Development Areas

Strategic Development Areas - the Plan allocates 12 locations to provide new homes and opportunities for job creation and commercial investment at a strategic scale. Residential led SDA's are capable of accommodating a minimum of 400 homes. Mixed use SDA's will provide new homes as part of wider mixed-use proposals to also deliver significant investment and economic benefit from commercial, community and/or cultural regeneration projects. The SDA's are capable of delivering a greater number of homes beyond the Plan period.

LDP - SD2 - Masterplanning Principles

Masterplanning Principles - On all sites where there is capacity for 100 homes or more, development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place that must comply with relevant masterplanning principles. Strategic Development Areas must also accord with additional relevant masterplanning principles. Design and Access statements are required to support the strategic placemaking approach.

LDP - SDJ - Site specific policy Swansea Central

Site specific policy for Strategic Development site Swansea Central Area setting out placemaking principles and development requirements.

LDP - IO1 - Supporting Infrastructure

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

LDP - IO2 - Employment and Training Opportunities

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

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

LDP - HC1 - Historic and Cultural Environment

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

LDP - HC2 - Preservation or Enhancement of Buildings and Features

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

LDP - SI1 - Health and Wellbeing

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

LDP - SI8 - Community Safety

LDP - RC1 - Swansea Central Area Regeneration

Swansea Central Area Regeneration - In order to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must comply with appropriate development requirements and proposals set out in adopted Supplementary Planning Guidance.

LDP - RC2 - Retail and Leisure Development

Retail and Leisure Development - Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development.

LDP - RC3 - Swansea Central Area Retail Centre

Swansea Central Area Retail Centre - Swansea Central Area Retail Centre sits at the top of the retail hierarchy and is the sequentially preferred location for all significant retail and leisure development. Proposals within or outside the Swansea Central Area must not put at risk the regeneration of the St David's/Quadrant site priority proposal, and must deliver the development principles specified in the policy.

LDP - RC4 - Swansea Central Area

Swansea Central Area - Complementary Areas - Within the Swansea Central Area Complementary Areas, development that delivers an appropriate mix of uses will be permitted in accordance with the particular functions and opportunities for regeneration and renewal at each location. Development must make positive use of the defining attributes of the respective Complementary Areas, enhance connections to the Retail Centre, and complement rather than compete with the role and function of the Retail Centre and other Complementary Areas.

LDP - RC12 - Office Development

Office Development - Proposals for significant new office development, in excess of 200 square metres gross floor area, must in the first instance assess the availability and suitability of potential sites within the Swansea Central Area, which is the preferred location for office development. Significant office uses will not be permitted outside the Swansea Central Area unless they meet a specific set of criteria. The alternative use of offices within the Swansea Central Area will only be permitted where the developer can demonstrate that there is no need to retain the site or premises for office use having regard to existing supply and the requirement to provide a range and choice of sites for such use to meet existing and likely future demand.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

LDP - ER1 - Climate Change

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

LDP - ER2 - Strategic Green Infrastructure Network

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

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

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

LDP - T1 - Transport Measures and Infrastructure

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

LDP - T2 - Active Travel

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

LDP - T5 - Design Principles for Transport Measures and Infrastructure

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

LDP - T6 - Parking

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

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

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

LDP - EU4 - Public Utilities and New Development

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

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

LDP - RP1 - Safeguarding and Public Health and Natural Resources

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

LDP - RP2 - Noise Pollution

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

LDP - RP3 - Air and Light Pollution

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

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

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

LDP - RP10 - Sustainable Waste Management for New Development

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

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Site History App Number	Proposal	Status	Decision Date
2018/1806/ADV	Five non illuminated temporary hoarding panels	APP	17.10.2018
2020/0490/FUL	Construction of a mixed use five storey building (above ground level) to provide flexible office / workspace (Class B1) with ancillary communal and commercial uses at basement, lower ground floor and ground floor levels (Classes B1/ A1 / A3 / D1 & D2) and public event / meeting space at roof level (Classes B1/ A3 / D1 / D2) with creation of new pedestrian link, vehicular servicing, public realm / landscaping / green infrastructure and ancillary works.	PDE	
A00/6095	Retention of externally illuminated fascia sign and projecting sign	APP	31.05.2001
A00/1246	NEW SHOP FRONT AND BALLUSTRADING	APP	10.10.2000
A00/0665	CHANGE OF USE FROM RETAIL SUPERMARKET (CLASS A1) TO MIXED USE FOOD AND DRINK (CLASS A3) AND LEISURE (CLASS D2)	APP	18.07.2000
99/0233	RETENTION OF NEW ENTRANCE FACADE	APP	23.04.1999
2009/1816	Retention of three externally illuminated and one internally illuminated fascia signs, one internally illuminated individual letter sign, seven internally illuminated display cases and one internally illuminated projecting sign	APP	10.06.2010

Planning Committee – 2nd June 2020

Item 4 (Cont'd)	Application Number:	2020/0490/FUL
2015/1225	Demolition of building (application for the Prior Notification of Proposed Demolition)	PNRE Q 01.07.2015
2007/2681	External alterations to night club including the provision of front smoking terrace and replacement canopy	WDN 11.01.2008
2006/2778	Modification of existing loading bay (formation of new raised decked area) to allow use of existing area by public	APP 08.02.2007
2006/2647	Modification of existing balcony (installation of new barrier) to allow use of existing area by public	APP 12.01.2007
2005/2022	Replacement illuminated fascia sign, illuminated box sign and high level LED display screen	WDN 03.03.2009
2005/2012	External facade improvements, including partial re-cladding and two new canopies	WDN 03.03.2009
2004/1863	Two internally illuminated fascia signs, one halo illuminated individual lettered sign, one non illuminated individual lettered sign, two double sided banner signs and retention of two internally illuminated poster boxes on front elevation	WDN 05.08.2008
2003/0077	Non-illuminated banner sign for a temporary period of 6 months	WDN 24.01.2003
2003/0074	Externally illuminated fascia sign	APP 28.02.2003

Planning Committee – 2nd June 2020

Item 4 (Cont'd)		Application Number:	2020/0490/FUL
2003/0027	Use of premises as a retail unit (Class A1) for a temporary period of 6 months and re-instatement of previous front entrance	APP	07.02.2003
2002/0427	Use of premises as a retail unit (Class A1) for a temporary period of 6 months, and installation of new shop front	APP	16.04.2002
2001/1481	Retention of 1 internally illuminated fascia sign and 1 internally illuminated double sided projecting sign	APP	19.10.2001

Procedural Matters

This application is reported to Planning Committee as it constitutes a Major Development and has met the threshold for call in as set out in the Council's Constitution.

Description

The application relates to the construction of the proposed Digital Village, at 71/72 The Kingsway, on the site previously occupied by the Oceana Nightclub and is being developed as part of the Swansea Bay City Deal regeneration project with a brief to deliver tech focused flexible office space and amenities. The overall objective is to deliver a flexible digital environment that acts as a catalyst and example for future development. The proposal would create approximately 100,000sqm Gross Internal Area (GIA) on the site, including 2 basement levels and Class B1 business space on the 4 upper levels.

The key purpose of the development is to provide high quality office accommodation / space for indigenous innovative technology businesses and new 'start-up' companies, and to and to stimulate regeneration of the Kingsway and the Swansea City Bay Region as a whole.

The proposed development involves the construction of a mixed use building to provide flexible office / workspace (Class B1) with ancillary communal and commercial uses at basement, lower ground floor and ground floor levels (Classes B1/ A1 / A3 / D1 & D2) and public event / meeting space at roof level (Classes B1/ A3 / D1 / D2); the creation of a new pedestrian link through to Oxford street; vehicular servicing and public realm, landscaping, green infrastructure and ancillary works.

In particular, it is proposed to use the basement area potentially as a gym or exhibition space / event hall (Class D1 / D2), with the lower ground floor used for meeting rooms, further exhibition space and a café / coffee shop (Class A3). The ground floor will accommodate the reception/ entrance foyer with retail / commercial units (6 small kiosk units) along The Kingsway frontage.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

The upper floors will accommodate the office / business space with the roof area being used for as an ancillary garden area / enclosed meeting space / private event space.

Public Realm

The public realm design will form a new, vibrant and attractive pedestrian link north-south between The Kingsway and Oxford Street. Vehicular servicing access into the site will remain as currently via the existing access to the rear (east) of Picton Arcade. Vehicles would then exit back onto the Kingsway from the site via Picton Lanes to the east.

Members will recall the proposal for the redevelopment of the Picton Yard / former Woolworths building under ref: 2019/2846/FUL which included provisions for the existing Picton Lane car park to use the space as an area of public open space which will also serve this current proposed re-development of 71 / 72 The Kingsway. This area will be landscaped to create the new area of public realm and it is envisaged may be used as an outdoor eating / drinking area, temporary market, or used for outdoor cinema / concerts.

Surrounding Site Context

The proposed development site is located in the Swansea Central Area at the southern side of The Kingsway, and is now referred to as 71 / 72 The Kingsway, Swansea, although part of the development site was formerly occupied by the Oceana nightclub building (now demolished) and the former Picton Lane surface car park and adjacent access lanes. A deep basement remains on site, 2 storey below the adjoining ground levels and the site is currently hoarded off, but a ramped vehicle access has been formed into it and it is currently being used by the Kingsway Civils Contractors as a site compound for those works.

The Kingsway therefore forms a frontage along the site's northern edge, with the southern boundary formed by the rear elevations of the commercial properties along Oxford Street. The western edge of the site is formed by the rear boundaries of Picton Arcade, whilst the Picton Lane parking area forms the western edge. The site also includes Picton Lane rear service lane and the former area of buildings 232-233 Oxford Street which are now demolished. This part of the site then connects the main site area with Oxford Street.

The Kingsway / Orchard Street area is currently being transformed into a high quality street, to meet Council's aspirations within the Swansea Central Area Regeneration Framework (SCARF) to provide the Central Area with a new defined working living and learning zone with a new business district. The Kingsway formerly played an important role in the life of the city, but has been in decline since the advent of out-of-town shopping centres, whilst the city's former nightlife has moved largely to the historical Wind Street. Adjacent properties are typically 2 to 3 storey brick buildings constructed post WW2. Whilst distinct in character, these properties are generally low density and now are in need of refurbishment. The Council has acquired several of these, with two cleared immediately to the south of the site to create a new strategic pedestrian link between Oxford Street and The Kingsway as part of this development.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Access and Sustainability / Connectivity

The site is located within a sustainable location within Swansea City Centre at the western periphery of the Central Area. It is in close proximity to facilities and services and also in terms of public transport provision, being in close walking distance to the Quadrant bus station and also the railway station. The site is also accessible to the National Cycle Route 4 and the wider cycle network.

Energy Statement

The submitted Energy Statement outlines the predicted performance of the building with a given specification, in terms of the building fabric, services and renewables. The strategy is to implement passive design measures, including a highly insulated thermal envelope and low air permeability, accompanied by energy efficient HVAC systems and lighting and the use of a 340 m² high efficiency photovoltaic array and is designed to achieve a BREEAM rating "Excellent".

Response to Consultations

The Wales Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to submit a pre-application consultation report (PAC). In accordance with those requirements, a Pre-Application Consultation (PAC) Report has been submitted following the pre-application consultation undertaken by the applicant in November / December, 2019.

Design Commission for Wales

Initial Review 19 September 2019

Main Points

The Commission welcomed the opportunity to review this proposal at this stage when the council as client and the design team are able to share the concept, test and consider wider input. The design team are to be credited for their desire to engage at this stage, the thoroughness of their presentation and materials submitted in advance as well as their openness toward the dialogue.

The team and the client are very clear about aspects of viability of the scheme as well as its potential given the significant public sector stimulus of c£13m of the total anticipated £30m needed. This is an ambitious commitment by Swansea Council, to stimulating the wider investment needed to achieve the stated regeneration aims.

The site area is relatively large and the building brief in relation to space requirements and resultant built envelope is significant including two storeys below ground. The architectural approach up to and including the current RIBA Stage 2 works, has included testing the flexibility and adaptability of the considerable area available against the desires of a number of potential users and stakeholders to date. The flexibility of use and resilience over time are fundamental including possible future uses.

Whilst it was understood that financial/viability issues were also being considered a number of areas including roofscape, the use of SUDS and wider green infrastructure were all still being considered and tested. Concerns were raised regarding aspects of the scale of aspiration reflected in by example, the design including tree planting on the building.

The panel advised that there needs to be a balance of ambition and catalytic endeavour alongside functionality and reflection/expression of responsible investment especially given the public funding component.

The Commission noted some frustration that the proposal was communicated out of context and with very limited information about the wider Kingsway area, surface transport including public transport, servicing and movement generally, activation of the southern link, public realm and the Hacer proposals which are all relevant to the scheme proposed. The relationship to that emerging context is critical and it is vital that the proposals are shown in a manner that demonstrates how it responds to that context and how the public realm will be addressed. Currently, from the materials presented, it is possible only to perceive an object which is unrelated to its context. Given that the council control development plots in the immediate area it was felt that the principles of the adjoining plots could have been outlined and how these assumptions had informed the design.

For it to be fully understood by stakeholders, members of the public and decision makers it must be conceived in context. If it is to be the centre of activity aspired to, it is important to articulate the level of porosity and accessibility that will be achieved from the surrounding areas and within the building. It demonstrate this alongside its influence on others and how the relationship to surrounding developments and urban public realm will be established, controlled and safeguarded over time - perhaps through some appropriate form of coding/adopted principles for the whole area using development scenarios to test options.

The ambition for flexible 24/7 operation by multiple uses has considerable implications for maintenance, management and cost in use - both financial and in terms of energy/carbon cost. How space swill be 'curated' and managed will need to be clearly established and implemented in a detailed operational and cost plan accompanying the design solutions.

Blue-green infrastructure and planting proposals for the structure itself need much more detailed design and structural work. Fuller energy and wider sustainability strategies are needed now and should inform the subsequent stages of design including a full and detailed modelling for energy strategies, management and the impact of their integration and cost implications over time.

The proposals have considerable potential to demonstrate the power of the public sector as a good client committed to quality and value as a means to stimulating wider activity and regeneration aims. Inherent in this potential is the critical risk of viability and of being able to meet the stated aims. The Commission recognises this ambition and associated risks and urges the council to consider the genuine, long-term public value that can be secured given the scale of public investment.

The Commission also welcomes this early engagement and the request for a timely second meeting in the autumn. In order to gain most value from the next review meeting, which is likely to be very close to a planning submission, the Commission would expect the following items to be addressed in the continuing design work and that they will be successfully resolved and explicitly demonstrated in all materials including how scenarios have been tested, eliminated or prioritised in the design approach:

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- Placemaking and context - response to adjacent development and urban design considerations, public transport, movement and public realm;
- Energy strategy, including full and building specific modelling;
- Landscape, public realm;
- Influence on/relationship to adjacent developments;
- Influence on Kingsway at ground floor/public realm; relationships; porosity and accessibility;
- Clearer understanding of management, operations, programming - how exactly it will work in practice and a demonstration that the costs are understood.

Second Review - 23 January 2020

This is the second consultation with DCFW through its Design Review Service and this report should be read in conjunction with the previous report.

Main Points

The Commission welcomed the opportunity to review this proposal at a second stage and when more work had been carried out on the business model and stakeholder engagement. The design team deserve credit for their desire to engage again at this stage, for the thoroughness of their presentation, clarity of material submitted and openness toward the peer to peer dialogue.

The team and the client remain clear about the business planning and viability of the scheme as well as its potential given the significant public sector stimulus of c£13m, of the total anticipated £30m needed. Further stakeholder work seems to be paying off, attracting the interest of major companies, operators and education partners, capable of contributing to enterprise stimulus. This will need to be maintained through planning and construction phases.

Whilst conscious of the challenge, the Council is also clear about the opportunity. To their credit, this is a bold and ambitious commitment to design and construction quality by Swansea Council as client and planning authority, and to stimulating the wider investment needed to achieve the concept vision. It therefore relies upon being more than a speculative/mixed use project, whilst flexibility of use and resilience over time are fundamental. Its quality and distinctiveness are critical to securing partners and responding to clear messages from potential operators and occupiers.

The Commission welcomed more information on influences within the business plan and from stakeholders, providing more clarity. Understanding user needs is vital and, whilst it is already influencing design, much more information about likely operators and users will be important to the next stages.

As the team approaches a planning submission some key priorities need to be addressed now and clearly articulated in communication materials in the lead up to procurement:

1. The nature of the client/operator relationship will be complex and should be carefully considered given its long-term nature. It will need to be sufficiently detailed to secure and protect concept and quality over time.

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

2. The Design Commission previously noted the importance of the context, the need to demonstrate how the building responds to that context and how the public realm will be addressed. On this occasion the materials better illustrated that context. However, the wider Kingsway area, servicing and movement generally, activation of the southern link, public realm and the relationship with the Hacer proposals remain relevant considerations. An intervention of this scale - appropriate in a city context - benefits from greater density, the success of which relies upon design excellence to ensure a positive contribution to the cityscape. As previously noted, the south side and Kingsway frontage are crucial, and the public realm is a critical consideration. The building will need to be well integrated and managed to help refine the street frontage and the nature of formal and informal uses of the public areas. These remain high priority influences on the success of the concept and the client and design team should not lose sight of them.
3. Green infrastructure and planting proposals whilst shown in more convincing detail remain ambitious and will need significant attention to ensure success in the climatic conditions of a coastal city. Work must continue on this within the wider energy and sustainability strategy development, detailed modelling and integration work, to ensure well informed cost planning and implications over time. These will have a significant impact on building systems and costs in construction and operation in the long term.
4. Added value could be achieved from more local food & beverage operators/enterprises contributing to the grass roots regeneration objectives and should be explored.
5. Creative, bi-lingual brand expression and control of signage position and prominence will be important now and within the client/operator agreements.
6. As the planning submission is imminent it remains important that the Council, as both client and planning authority, clearly communicates the value of time, expertise and commitment invested so far, as part of the city centre strategy story, at every opportunity. This should also include the explicit commitment to quality in the business plan, supporting the ambition of the proposal, maximising the value of design and construction quality within the available resources. Demonstrating the quality achievable within the known resources will include detailed work on procurement and consideration of ways in which to ensure appropriate design knowledge and expertise is retained throughout, to the benefit of the client and in line with the objectives of the investment of public funds under the City Deal.

Overall the Commission is broadly supportive of the proposals and credits the client and design team for their ambition and clarity of vision. Success, or otherwise, now lies in uncompromised design excellence and construction quality.

Statutory Consultation

The planning application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. No public responses were received to this consultation. Comments from statutory consultees were as follows:

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

CADW

Initial Assessment

The statutory pre-application consultation for the proposed development included a Cultural Heritage Appraisal and we responded that the contents of this document needed to be reviewed in light of legislation changes and noting that it needed to include an assessment of the potential impact of the development on the setting of the scheduled monument GM012 Swansea Castle, which will be a material consideration in the determination of this application.

The documentation included with this application on-line does not include a Cultural Heritage Appraisal nor is there a Pre-Application Consultation document informing us of the applicant's response to our correspondence. However we understand that WSP is preparing a document assessing the impact of the proposed development on the setting of the castle as they have consulted us on a methodology for carrying out the analysis given the current restrictions caused by Coronavirus and we have provided advice to them on this matter.

As such the current application does not include any information on the impact of the proposed development on the historic environment particularly the impact on the setting of scheduled monument GM012. As this is a material consideration in the determination of this application we recommend that you request the applicant to submit an appropriate assessment of this impact.

Further Assessment

Thank you for your email 28 April of inviting our comments on the additional information submitted for the above planning application.

Additional information in the form of a Historic Environment Desk-based Assessment produced by WSP has been submitted in support of this application. This work includes an assessment of the impact of the proposed development on the setting of scheduled monument GM012 that concludes that the impact will be moderate/slight adverse but will not be significant.

We concur with that conclusion.

Glamorgan Gwent Archaeological Trust

We have consulted the regional Historic Environment Record (HER) and note there are no known archaeological sites within the proposed development area. A review of historic Ordnance Survey mapping indicates several structures within the proposed development area. However, modern aerial photographs show the subsequent largescale development of the site, followed by the demolition of all the structures in 2017.

It is likely that such previous development of the site is likely to have had a severe adverse effect on an archaeological remains that may have been present. In particular the excavation of a 7m deep basement, as noted in the submitted information, is likely to have had a significant impact. Therefore, it is unlikely that significant archaeological remains will be encountered during the course of the development.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Dwr Cymru Welsh Water

Dwr Cymru Welsh Water were previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with the Pre-Application Consultation.

As part of their response to the pre-application consultation, their comments highlighted that foul flows from the proposed development can be accommodated in the public sewerage system albeit that the site is crossed by a combined public sewer. The proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. As highlighted in their pre-application consultation response, it may be possible to divert the sewer.

Notwithstanding the above, the proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore requires approval of Sustainable Drainage Systems (SuDS) features. As part of this application (Ref: 2020/0490/FUL), we acknowledge receipt of a 'Sustainable Drainage Design Proposals' albeit would advise there is no agreement to communicate surface water flows to the combined public sewerage system. 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.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that a Condition is included within the consent for a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

Natural Resources Wales

NRW have reviewed the planning application and do not consider that the proposed development affects a matter listed on their Consultation Topics, Development Planning Advisory Service and therefore do not have any comment to make on the proposed development.

Council's Drainage Engineer

Schedule 3, Flood and Water Management Act 2010.

The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given. From 7 January 2019, all new developments more than 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.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Which legislation are we referring to?

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

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 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.

Pollution Control Team

Conditions are required in respect to external and internal noise limits:

- Operational noise break out (from cafes, restaurant, gyms) effecting noise sensitive receptors plus;
- Operational noise from activities effecting internal noise within other commercial units; and
- Noise from external plant and building services including emergency generator on noise sensitive receptors.

The implementation of the recommendations cited in the report WSP 71/72 Kingsway Stage 3 Acoustic Design Report 70039389-R03-AC January 2020 would cover the above issues.

Conditions are also required in respect of:

- Odour Control from A3 use;
- Unforeseen Contamination

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Designing Out Crime Officer

- (i) Consideration must be given for the outside of the building, cycle stores, the main entrances into the building and public circulation areas to be protected by CCTV. Ideally the CCTV would be monitored. The CCTV cameras must be located in elevated positions and protected in vandal proof housings.
- (ii) Vehicle access - Vehicle access into areas frequented by pedestrians or crowded places must be restricted to certain agreed times and managed by the site. Mitigation could be achieved through both fixed or drop bollards controlled by the person(s) monitoring the CCTV. Any bollards or barriers should meet the standard IWA 14 (PAS 68 &69).
- (iii) Additionally, comments are made in respect of signage; lighting; landscaping; bicycle stores; waste disposal; drainpipes; building shell security; Access control; door and window security; Intruder alarm systems.

Highway Authority

The City and Council of Swansea Highway Authority has considered the information which has been provided in relation to development proposals for a Digital Employment Hub in the city centre of Swansea.

The information which has been submitted for consultation includes a Transport Statement (TS), Travel Plan (TP), Design and Access Statement and Planning Statement and a set of layout plans. These have been reviewed in the preparation of this consultation response.

Background

The Planning Statement confirms the planning history of the site, and confirms the nightclub leisure use of the former building, which is now demolished. The site has been in use for the more recent times as a construction base for the surrounding Kingsway works. The proposed missed use Digital Hub is part of the Urban Village envisioned for the local area.

The Transport Statement sets out that scoping discussions have been held with the Highways department and that a Scoping Note has been agreed. The baseline audit of the local area reviews the collision history for the defined study area. The wider regeneration proposals will bring about improvements especially for pedestrians and cyclists therefore it is appropriate to assume that the current safety record will improve.

Parking

The proposals do not include vehicular parking provision, this is considered appropriate for an employment based use, given the city centre location, with the inclusion of an appropriate package of measures to promote and sustain non-motorised transport.

Vehicular activity at the site will be restricted to refuse collection, deliveries and servicing.

Cycle parking provision

The requirement for cycle parking has been considered using the CCS SPG and also draws reference from BREEAM guidance. The cycle parking provision has been calculated in a robust manner when considering the SPG method.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

This results in a requirement for 29 short stay spaces and 40 long stay spaces, a total of a minimum of 69 cycle parking spaces for the mixed use development. The BREEAM approach sets out a requirement for 125 cycle parking spaces and considers a 50% reduction is applied following a PTAI assessment. This reduction results in a requirement for 69 cycle spaces, similar to Swansea requirements.

The proposed level of cycle parking provision is 76, with additional room available to expand this, should demand increase. Cycle parking is largely provided within the building, 70 of the total, securely, and access will be achieved through shallow steps and bike wheeling ramps. A small number of the spaces, 6 in total, will be allocated externally with hoops outside of the building. This is considered acceptable and may be accessible by visitors, couriers and potentially the public.

Motorcycle Parking Provision

Motorcycle parking is normally provided at the level of 5% of the provision for car parking. Car parking is not proposed and it is therefore assumed to be the reason that there does not appear to be any provision for motorcycles. Motorcycle parking can be beneficial for these types of development and does not need to be linked to car parking provision.

Disabled Parking Provision

The needs of disabled parking users have been considered within the TS. This includes review of guidance which sets out the recommendations for distance of blue badge parking spaces from the proposed facility. The findings of the TS are that there are spaces within a short distance of the site.

Access and Circulation

The proposed vehicular access is via Picton Lane with a recommendation that the current operation should be altered to work as a one way system, with access adjacent Christina Street and egress to the east of this location. It is agreed that one way working would bring more working efficiencies and reduce circulation safety issues.

Swept path assessments have been carried out for commercial and service vehicles in a one way movement, as described above. Whilst a refuse vehicle does not explicitly appear to be assessed, the swept paths show a range of vehicles with the largest being 11.0 and 12.0 metres rigid HGVs, which would exceed the refuse vehicle dimensions.

In the case of the largest vehicles, the swept path analysis does show that these will over run the south west corner of the building. It is set out that the ground floor area will be designed inset and allow overrun with the floor above design as a cantilever over the corner. The key concern would be that there is sufficient height clearance given that some HGVs can exceed 4.0 metres in height, in the case of the pantechicon vehicle this is over 4.7 metres. It has been confirmed by the applicant that there would be a clearance of 4.950m from ground level to first floor.

The swept path analysis shows that the existing units with frontage onto Kingsway can be served by Picton Lane, following the proposals.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Travel Plan

A Travel Plan (TP) has been prepared and submitted for the site. The travel plan relies on the existing facilities around the site and heavily on the proposed Council measures to be implemented on and around the Kingsway. The targets for the reduction of car use focus on reducing the number of vehicles associated with the site and using car parks, therefore reducing car travel into the city centre. The TP commits to both soft and hard measures, soft measures largely based on raising travel awareness and hard measures focus on cycling and a new pedestrian link conversion between The Kingsway and Oxford Street.

Travel to the site will be broadly supported by public transport for longer journeys and walking and cycling for shorter journeys. It is considered that whilst bus, cycling and walking journeys all do have future enhancement schemes planned, connection to the rail station is not as comprehensive as it could be. The TP should include the funding of a Santander cycle scheme in the vicinity of the site, this will link with the plans at Swansea Rail Station and also enhance cycle activity generally.

Traffic Impact

The proposed development will not create a traffic impact at the site, but will instead create a demand for parking in the local central area. This has been explored and documented with the TS although it is kept at a high level with modal share information and demonstration of parking total and some availability. The extent of traffic generation has not been calculated or discussed. In the main, the proposed type of use is appropriate in this location.

The local enhancement measures which are being planned in conjunction with the proposed and also requested sustainable travel measures that the application site will provide are considered sufficient to promote the use of non-car based travel.

Conclusion

In general, the Highway Authority does not object to the principle or location of the application proposals. There is some apprehension on the ability of car parks to accommodate a yet unknown demand and to forecast the demand on the network.

The TP targets are suitably staged to reduce reliance on the private car and local parking areas. In the main the site is reliant on the forthcoming Council led improvement measures for the local area. An additional considered cycle and rail strategy has been added to further encourage sustainable travel over both short and long journeys.

Placemaking and Heritage Team

The proposal is for a new build flexible office building on the site of the former Oceana building with two storeys in the basement, four stories above ground and a roof terrace plus new public realm areas linked to the space known as Picton Yard.

This is an exciting exemplar workplace scheme that has potential to form a key part of the city centre regeneration of the Kingsway area in conjunction with the recently consented 'Biophilic living' green growing building project. This project has the potential to bring more quality jobs back into the city centre within an innovation hub building.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

The Placemaking and Heritage response below addresses the proposal under the following headings:

- o Swansea Central Area Regeneration Framework
- o Tall Building Strategy
- o Relationship to designated heritage assets
- o Public realm
- o Green Infrastructure/ Sustainable Urban Drainage

The proposal has been the subject of extensive and positive pre-application negotiations. This has allowed a number of aspects to be refined/ understood prior to the formal application. The scheme has also been reviewed by the expert and impartial Design Commission for Wales on two occasions. They were supportive of the proposal as follows:

"Whilst conscious of the challenge, the Council is also clear about the opportunity. To their credit, this is a bold and ambitious commitment to design and construction quality by Swansea Council as client and planning authority, and to stimulating the wider investment needed to achieve the concept vision. It therefore relies upon being more than a speculative/mixed use project, whilst flexibility of use and resilience over time are fundamental. Its quality and distinctiveness are critical to securing partners and responding to clear messages from potential operators and occupiers."

The proposal is supported by a well-illustrated Design and Access Statement. The building has been designed in 3d which allows a full understanding of the complex form and relationship to surrounding context.

Swansea Central Area Regeneration Framework (SCARF)

The site lies with the 'Kingsway Complementary area' as defined in the SCARF document. This prioritises regeneration actions around city living, working and learning with pocket parks and improved pedestrian linkages. It is considered that the working nature of the scheme meets these requirements. The proposal includes circa 10,000 sqm of flexible grade A class B1 office accommodation and ancillary uses with a new pedestrian link to Oxford Street. The ground floor offer the opportunity for walk in active frontages onto Kingsway such as café etc at street level whilst the basements and upper floors are flexible for a range of business sizes within a contemporary managed workspace environment.

The SCARF document also sets place objectives for the area including adding height/ urban scale, improving frontages, active frontages, new uses including city living, green space/ public realm, contemporary design and legibility/ connections. The proposal fully accords with these regeneration objectives and embraces all these aspects as an exemplar. This includes public realm integration with the adjacent enhanced Picton Yard public space area and high quality building design with innovative and striking integrated greening with vegetation on the balconies and roof terrace. Within the 'green space' objective of the SCARF there is a specific reference to 'green architecture' and the proposal boldly integrates planting onto the building. The roof terrace with trees creates a new elevated space within the city with expansive views and 'event pavilion'. In terms of appearance the structure is expressed in the architecture the strong horizontal of modernist character that sits well in the Kingsway context and this is softened by the on building planting and variations to the glazing angles. The design of the building also helps to achieve BREEAM Excellent which is a measure of building performance in a rounded assessment of sustainability.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Tall Building Strategy

The site lies within the 'Consider Zone' for Tall Buildings as set out in the adopted Tall Building Strategy SPG. Adjacent to the site on the north side of Kingsway is the recently completed Coppergate student accommodation 12 storey tower at 45m and the recently consented Biophilic Living project (to the east of the site as part of the former Woolworths Building) which is 12 stories at 45m. Therefore the regeneration and densification of the area as envisaged in the SCARF document is already underway and sets the context for this proposal.

The Tall Building Strategy document defines a tall building as twice the general context. For nearly 100 years this site has accommodated a building larger than the context, from 1931 until 1965, the site was the Plaza Cinema which was effectively 5 stories under pitched roof, from 1967 until 2016 the site was Odeon cinema which was effectively 4 stores that became the Oceana night club. The proposed building with 4 commercial stories above ground level plus roof terrace with accommodation and plant/ service rooms has a highest point circa 29m above street level in an area of buildings typically 15m high (three commercial stories) so the new building will continue the tradition of a taller building on this site and meet the tall building definition which brings a number of tests as follows:

- There is a requirement for land uses with active frontages at ground floor - the proposal provides active commercial uses onto Kingsway and Picton Yard with legible entrances. The extensive ground floor lobby includes a north south public route through the building to Kingsway continuing the alignment from Plymouth Street.
- Tall buildings are required to fit into the city scape defining key locations - although the building is not a marker tower it will have a strong presence on Kingsway as new 'workspace' within the city symbolising the area of regeneration.
- Achieve a human scale - amendments made through the pre-application process have resulted in an additional floor being added and the top floor being better articulated to avoid a 'top heavy' appearance.
- Form should be slender and elegant - the architecture has an elegance and the structural expression of the floor plates has a horizontal slenderness that avoids a monolithic massing.
- High Quality Design - the materials include fair faced exposed concrete, aluminium window frames with faceted rather than flat glazing, aluminium anodised cladding and stainless steel mesh supported by galvanised metal frames as an alternative to glass balustrades. The colour scheme proposes a muted building of civic quality with the integrated greening. The materials would be controlled in the usual composite sample manner.

Whilst the building has a coherent architectural concept, the elevations respond to different requirements:

- The ground floor to south, east and north provides active frontages. To the west this is a back of house onto the rear of Picton Arcade.
- The ground floor is set back on Kingsway with colonnade to widen the footway by bus stops.
- The south elevation uses projecting floor slabs and planting for solar shading to avoid overheating.

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- The upper floors respond to the greater visibility rising above the existing low scale urban context
- Internally the floorplates are flexible and can be organised for small individual offices or open plan working with only the circulation cores and facilities as fixed items. Sunken lightwells into floor plates to maximise natural lighting and create high quality working environment.
- Exposed concrete frame - external character and internal aesthetic.
- Elevations suggest integrated signage zones that work with the architecture and this detail can be controlled by condition and/or separate advertisement consents.
- Plant enclosure above terrace pavilions for air con etc not to be visible.....

The integration of planting onto the balconies and roof terrace as part of the architecture (described in the DAS as a rooftop urban oasis) is a very distinct and quality approach. This building will be defined by the horizontal form and integrated greening and it is essential that this greening survives. Whilst this is a new concept of building management and may be seen as novel, the integration of managed greening into building elevations it is likely to become mainstream in the near future to help cities adapt to climate change such as wetter winters with issues of surface water flooding, hotter summers with issues of overheating, bring nature back into the urban environment and the acknowledged wellbeing benefits of being close to greening and nature.

- Skyline - the top floor is articulated and inset from the edges to create a distinct cap to the building visible on all sides. The use of a galvanised frame to support the edge mesh will create a distinct 'skeleton' silhouette form to the building as a feature on Kingsway.
- Public Realm - the proposal creates a pedestrian and cycle link from Oxford Street to Kingsway. The south link to Oxford Street has already been formed with the demolition of two properties on Oxford Street to open up the route as a continuation of Plymouth Street. This cannot have active frontages to the sides so softened by a raingarden planting area to the sides.
- The public realm materials will integrate with adjacent Picton Yard project to create a seamless area with pedestrian priority that accommodates vehicle serving without being dominant.
- Legible location - the development is located within a prominent frontage on Kingsway and the entrances are legible via the building form.
- Accessible location - the site is located 300m from Swansea Bus Station and with direct frontage onto the bus stops on Kingsway. It is located on a main cycle route along Kingsway that connects to the regional cycle routes. It is easily accessible by foot within the city centre. There is scope to provide public cycle parking within the public realm areas and it is suggested that this development could contribute to the Santander bike hire system that is being rolled out in the city centre.

Therefore it is considered that the proposal fully meets the Tall Building Strategy SPG and is welcomed as a high quality addition to the cityscape.

Designated Heritage Assets

The application is supported by a 'Historic Environment Desk Based Assessment' (HEDBA) which follows the Cadw approach to assessing heritage settings and the Conservation Principles approach.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

This document makes it clear that in preparing the report, it has not been possible to visit the site due to the Corona Virus lockdown. As a result the document takes a very cautious approach assessing the effect on designated and undesignated heritage assets within 500m of the site, usually the effects within 250m would be considered as the development is of urban scale at 30m.

Much of the HEDBA assessment is based on the visibility of the new building across the current low rise flat roof post war cityscape. However it must be remembered that the pre-war city had much more scale in the Victorian/ Edwardian buildings which were typically 4-6 stories under large pitched roofs (including the former Plaza Cinema that was approximately 5 stories on the site before the large Oceana building). The adopted regeneration strategy (SCARF) sets the objective of increasing heights, intensity and mix of uses to reverse the post war low rise mono culture.

There are no direct effects on the historic fabric of listed buildings. Within 250m of the site are 6 listed buildings; the effect on the settings of these is as follows:

- 10 Union Street - This former pub (now Holland and Barrets Health Food store) is 80m from the site but faces the opposite direction (east) onto Union Street. There is no intervisibility between the buildings and the new development will not be visible rising up behind the listed building.
- Former Carlton Cinema (now Waterstones Bookshop) - the south side of the development faces the site across Oxford Street. The buildings are unlikely to be seen together but there may be views over the rooftops from the upper levels of the bookshop to the upper parts of the new building. It will be visible as a well designed addition to the cityscape.
- Mond Building - this lies 115m to the east and whilst there is no joint visibility from street level, there would be views westwards from upper floors of the development within the listed building. This would show the new development as a positive addition to the low rise post war city scape.
- Albert Hall - from street level there is no effect on setting due to intervening built development. The development will be visible in the expansive views over city rooftops from higher vantage points such as the northern slopes where the roof of the Albert Hall with distinctive ventilators is also discernible.
- Mount Pleasant Baptist Church - there is no effect on setting due to intervening build development.
- YMCA and Pagefield House (140m to the west) - the development would be visible in the streetscene setting with no harm to the existing modern context.

Therefore it is considered that the proposal would preserve the setting of nearby listed buildings.

In terms of the relationship to Swansea Castle which is a grade I listed building and scheduled ancient monument, Cadw have highlighted the need to assess the effect on the view from the top of the surviving garderobe tower looking west along what would have been the Gower Road. The development site is some 450m from Swansea castle with intervening city development including the recently consented 12 storey (45m high) Biophilic living tower which was slightly closer (380m) to the castle.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Given that the proposed building at 71/71 Kingsway is further away and lower (30m) than the consented Biophilic living 45m tower then it is considered that the proposal would also not alter the way that Swansea Castle is experienced, understood and appreciated. The development continues the modern approach to the city scape and will not dominate the castle setting and will not detract from the west ward view from the tower as this already looks over modern roof tops will existing/ consented tall buildings. Therefore the effect would either preserve the modern arrangements or be negligible given the scale and separation.

Conservation Area setting

The Oxford Street, Union Street and Plymouth Street conservation area lies some 65m to the east and some 57m to the south. This area was primarily designed as a conservation area due to the small scale shops intersperses by larger civic buildings such as the former Carlton Cinema and Mond building. Whilst the development has no direct frontage onto this area, it will be visible looking north along Plymouth Street to the new pedestrian link between 231 and 234 Oxford Street. This view from the Conservation Area on Plymouth Street looking north is shown in the visualisations within the Design and Access Statement. Whilst the development will be visible from the conservation area, it is not considered to be dominant and does not harm or detract from this setting and special interest. Therefore it is considered that the proposal would have a neutral effect on the adjacent conservation area.

Public Realm

The external area around the building is currently a poor quality former vehicle access with backland building service elevations. It is proposed to upgrade the area immediately to the east of the new building and through to the south linking to Oxford Street as a quality public realm area which integrated with the adjacent Picton Yard proposals for the adjacent Biophilic Living project (extension of the former Woolworths building). This is welcomed to enhance the city centre and create a high quality space for the new development and the adjacent green living project.

The proposal also brings greening down to public realm level within the link to Oxford Street. This will help reduce the experience of the city as a harsh environment and is multi-functional as a SUDs drainage rain garden area.

The public realm area also needs to provide vehicular access to the surrounding properties for serving and a route through for service vehicles. This has been tracked and can be integrated as a shared space for controlled vehicle access without being dominant. Vehicle parking would no longer be available but cycle parking would be added.

The supporting Design and Access Statement suggests that a new pedestrian access from the west from Picton Arcade could be formed. This is out of the applicants control but would be beneficial for the Council to implement to improve east west permeability.

Whilst the new building is taller than the context, it is not a tower so there are unlikely to be any adverse wind effects. However this requires further consideration and potentially mitigation which can be controlled via condition.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Green Infrastructure/ Sustainable Urban Drainage

The Council is demonstrating commitment and Leadership to Green Infrastructure through the preparation of a Green Infrastructure (GI) Strategy for the City Centre for urban developments. This sets an objective framework for assessing the multi-functionality of GI proposals by means of a Green Space Factor Score tool that gives values to different types of multi-functional greening based on biodiversity and water permeability which are then multiplied by the areas of the greening. Less permeable and less biodiverse get lower scores and water permeable biodiverse features get higher scores up to 1. The strategy document sets a minimum score of 0.3 for commercial projects with the maximum being 1 representing natural woodland and minimum being 0 representing hard tarmac surfaces and no planting. The proposal meets the minimum target with a score of 0.307. It is imperative that the proposed green/ GI aspects are realised; it is recognised that some aspects may be experimental but they must be protected if there is any future delivery or value engineering issues.

The recent Sustainable Urban Drainage (SUDs) requirements in Wales are creating challenges for development, especially for urban schemes on previously developed land. This project also has potential to be a SUDs exemplar with rain water collected on flat roofs (blue/ green roofs) and used to irrigate the on building planting. There is also potential to demonstrate SUDs in public realm with the rain garden on the link to Oxford Street in close proximity to people which will create softer and multi-functional spaces.

Summary

This is potentially an exemplar city workspace scheme with high quality contemporary architecture which dramatically integrates architectural greening as a key component of city regeneration. Approval is recommended subject to the following conditions:

- All aspects of planting/ greening on building elevations and roofs to be agreed and maintained in perpetuity;
- Composite materials sample panel on site;
- Large scale drawn details of all building aspects;
- Wind testing and mitigation if necessary; and
- Public realm details

APPRAISAL

Planning Application

The planning application has been supported with the following documents:

- Planning Statement;
- Design and Access Statement;
- Pre-Application Consultation Report;
- Historic Environment Desk-based Assessment;
- Transport Statement & Travel Plan;
- Acoustics Report;
- Environmental Noise Survey Report;
- Surface Water Strategy;

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- Ground Investigation Report;
- Service Utilities Statement;
- Energy Statement.

Material Planning Considerations

The main material planning considerations in the determination of this planning application are set out as follows:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Placemaking and Urban Design impact;
- Heritage Impact;
- Highways, traffic, car parking, access and pedestrian movements;
- Environmental Issues;
- Drainage.

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

Development Plan Policy and Supplementary Planning Guidance

Planning Framework

The planning policy framework for the determination of this application is provided by the following policy documents:

- o Planning Policy Wales 10th Edition (December 2018)
- o Technical Advice Note 5: Nature Conservation and Planning
- o Technical Advice Note 12: Design
- o Technical Advice Note 18: Transport
- o Technical advice note (TAN) 23: Economic Development
- o Swansea Local Development Plan 2010 - 2025 (Adopted February 2019)
- o Supplementary Planning Guidance.

Planning Policy Wales

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. PPW sets out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, PPW states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Placemaking - The concept of placemaking is central to PPW and delivering on the aspirations of the Well-being of Future Generations Act and achieving well-being through plan making and development management decisions. It defines placemaking as: a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

Paragraph 3.3 emphasises that 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. In 'Considering Design Issues' in Paragraph 3.16 it is stated that planning authorities should 'through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision.

Sustainable location (para 3.39 and 3.51) - PPW states that in terms of the search sequence for identifying sites for development, LPAs should identify previously developed land and/or underutilised sites located within existing settlements in the first instance. Effective planning for the economy requires planning authorities to work strategically and co-operatively directing economic development and investment to the most efficient and most sustainable locations (para 5.4.10) and align jobs and services with housing and sustainable transport infrastructure, to reduce the need for travel, and dependency on travel by car (para 5.4.13).

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Section 4 - Active and Social Places defines those places which promote our social, economic, environmental and cultural well-being by providing well-connected cohesive communities. Places which are active and social contribute to the seven goals of the Well-being of Future Generations Act.

Paragraph 4.19 states that the planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.
- In determining a planning application for development that has transport implications, local planning authorities should take into account:
 - the impacts of the proposed development on travel demand;
 - the level and nature of public transport provision;
 - accessibility by a range of different transport modes;
 - the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;
 - the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
 - the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
 - the effects on the safety and convenience of other users of the transport network.

Biodiversity and Ecological Networks

Biodiversity and Resilience of Ecosystems (Section 6 Duty) (paras 6.4.1 to 6.4.8) - In accordance with Section 6 of the Environment Act 2016, the Council has a duty to maintain and enhance biodiversity. [NB: In Swansea, the section 6 duty is embedded as one of the 4 Well Being Objectives in the Public Service Board's Well Being Plan - "Working With Nature". It is also included as Objective 6 of the Council's Corporate Plan "maintaining and enhancing Swansea's Natural Resources.]

The Section 6 duty means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so, the LPA must take account of and promote the resilience of ecosystems, in particular the following aspects: diversity, connectivity, scale, condition and adaptability. In fulfilling this duty the LPA must have regard to Section 7 list of habitats and species important for Wales and the SoNaRR and any up to date ecological survey information provided.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

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

Green infrastructure (para 6.2.1, 6.2.2, 6.2.4, 6.2.5) - is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. The delivery of multi-functional green infrastructure can make a significant contribution to the sustainable management of natural resources, in particular to maintaining and enhancing biodiversity and the resilience of ecosystems in terms of diversity, extent, condition, connectivity and adaptability. This means that development of Green Infrastructure is an important way for local authorities to deliver their Section 6 Duty. Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is 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 quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

TAN23 (Economic Development)

TAN23 (Economic Development) states that the economic benefits associated with development may be geographically spread out far beyond the area where the development is located and therefore as a consequence it is essential that the planning system recognises and gives due weight to the economic benefits associated with new development. The development will provide significant economic benefits to the City of Swansea.

Swansea Local Development Plan 2010 - 2025

Development Plan and Relevant Policies

The Swansea Local Development Plan (LDP) was adopted by Members at a public meeting of Full Council on the 28th February 2019 and forms the development plan for the City and County of Swansea under the provisions of section 38(6) of the Planning Act. The following LDP policies are relevant to the determination of this planning application:

- Placemaking and Sustainable Development PS 1, PS 2, PS 4;
- Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area);
- Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2;
- Historic and Cultural Environment HC 1;
- Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety);
- Regeneration and Commercial Development RC 1 Swansea Central Area Regeneration & RC 2; Retail and Leisure Development; RC 3 Swansea Central Area Retail Centre; RC4 & RC12 Office Development;
- Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 (Ecological Networks / Biodiversity);

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking;
- Policy EU4: Public Utilities and New Development;
- Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development.

Supplementary Planning Guidance (SPG):

The following SPG are relevant to the proposed development:

- Planning Obligations (Adopted March 2010)
- Parking Standards (Adopted March 2012)
- Planning for Community Safety (Adopted December 2012)
- Swansea Central Area Regeneration Framework (SCARF) - Adopted Feb. 2016.
- Swansea Tall Buildings Strategy - Adopted Nov. 2016

The above SPG provides further information and guidance to support and clarify the policies described in the Appraisal below.

Strategic Development Areas

The LDP designated 12 Strategic Development Areas (SDAs) to provide new homes and opportunities for job creation and commercial investment at a strategic scale. The application site is located within SD J: Swansea Central Area which is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance. It includes proposals for a high quality retail and leisure led scheme, mixed use waterfront developments, circa 856 homes, 4 hectares of potential development areas that could accommodate B1 uses, and area initiatives and environmental enhancements during the Plan period.

The Policy sets out placemaking principles for the Kingsway area, and makes reference to this specific site, as follows:

- o Redevelop the former Oceana building for an employment led development, to act as a catalyst for the regeneration of the Kingsway as a new business district and an area that supports a range of opportunities for city living, working and learning;
- o Review traffic arrangements and public realm designs at the Kingsway, with wider pavements, greater use of planting and greening, space for street activity and improved crossing facilities. Such improvements will visually re-connect the two sides of the street, and improve connections to adjacent residential and business communities.

The accompanying Concept Plan for SD J identifies this site for a mixed use development and as a catalyst building and project and identifies at this location a proposed new active travel connection between the Kingsway through to Oxford Street, along with public realm regeneration.

Development proposals should accord with the following Placemaking Principles and Development Requirements which should be delivered in an appropriately phased manner and be formally tied into planning consent (PS1 & PS2).

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Detailed design of the proposal will need to take account of LDP Policy PS 2. This states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

The development, being 5 storeys above ground level, proposes to add scale and height and integrate complementary uses vertically in-line with the SCARF SPG. This site is situated in an area where tall buildings will be 'considered', as defined by the Tall Buildings SPG. Active frontages are proposed and the building has the potential to promote the improvement in existing built frontages in the area.

Principle of the development - The LDP's Sustainable Employment Strategy (Policy PS 4), to deliver opportunities for business growth and job creation over the Plan period, allocates Strategic Development Areas for employment uses, including SD J Swansea Central Area.

Policies RC 1, RC2 and RC3 - Swansea Central Area Regeneration - require development to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must accord with the key strategic aims of delivering the comprehensive regeneration and revitalisation of the Retail Centre. Retail / Leisure developments together with increased amounts of high quality office space and city living, including student accommodation; education facilities for teaching and research; and a wider range and choice of visitor attractions and facilities should be centred within the Swansea Central Area.

Policy RC4 states that development within the Swansea Central Area Complementary Areas, development should deliver an appropriate mix of uses in accordance with the particular functions and opportunities for regeneration and renewal at each location, which for this location are identified in criteria ii as the delivery of high quality office accommodation as part of a new business district at the Kingsway and Orchard Street, in association with residential and supporting uses that incorporate active frontages at street level, which in combination provide for a significantly enhanced street scene and public realm.

Policy RC 12 states that proposals for significant new office development identifies that the Swansea Central Area is the sequentially preferable site for office development given the transformative ability of such uses to deliver a greater critical mass of facilities and attractions within the Central Area to enhance its vibrancy and viability.

Swansea Central Area Regeneration Framework (SCARF)

Within the SCARF document the site lies within the Kingsway/Orchard Street: Complementary Area where the vision is focused on its potential to provide the Central Area with a new defined working living and learning zone with a new business district. The Kingsway could become a more attractive location for employment and upper floor residential development. New mixed use development with active frontages at street level will be encouraged around a new street scene and public realm, made possible by the removal of traffic lanes from the Kingsway.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

The key regeneration proposals include the former Oceana area together with other adjacent land and property through to Oxford Street which is identified as a key opportunity to provide a catalyst, employment led development, which could kick starts a regeneration process and helps to support residential, retail and leisure uses in the Central Area. The proposed development would be considered as a complimentary proposal to that scheme. The SCARF document also identifies a number of key development and design principles for the area.

As noted in Policy RC 1, it is important that development in the Central Area, complies with appropriate development requirements and proposals set out in adopted SPG. The role of, and opportunities for, the complementary areas are further detailed in the SCARF SPG (2015). The SPG states that the Oceana area together with other adjacent land and property through to Oxford Street will present a key opportunity to provide a catalyst, employment led development, which kick starts a regeneration process and helps to support residential, retail and leisure uses in the Central Area. The key regeneration principles for the Kingsway, set out in the SCARF to support LDP policy, are:

- Scale and Height- Add scale to existing buildings and encourage design solutions of at least four storeys which (vertically) integrate complementary uses and occupation. Explore the potential for new tall buildings (subject to the review of the Tall Buildings Strategy).
- Frontage Improvement- Promote the improvement in existing built frontages
- Active Frontages- Ensure all developments incorporate active frontages to bring vitality to the streetscene and help create a sense of place and reference. All new development must have active frontages at street level. Where there is scope for new development to abut Oxford Street, then the active frontage should be retail space, whilst on Kingsway the active frontages could be office lobbys and public facing elements such as staff facilities/ break out space.
- Green space - Substantially increase green space through planting, pocket parks within the streetscape and 'green architecture. A variety of greening initiatives could be explored including tree planting, pocket parks, green walls and green roofs.
- Legibility and connections- New development should create routes and enhanced legibility to reinforce north/ south connections to Oxford Street and beyond.

The planning application represents a development of significance which has the potential to stimulate the regeneration of this Complimentary Area and the wider Central Area. It provides a significant increase in high quality office space, and proposes a new active travel connection north/south between the Kingsway through to Oxford Street, along with public realm regeneration, in-line with the LDP and supporting SPG.

The detailed Placemaking and Urban Design impacts are addressed within the Placemaking and Heritage consultation response outlined above.

Tall Building Strategy SPG

The revised Tall Building SPG was adopted in November, 2016 following public and stakeholder consultation. The proposed development site is located within the 'Consider Zone' which are those areas of the City where tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

The Tall Building SPG defines a tall building as being twice the height of adjacent buildings and recognises that tall buildings can have a positive role in the City.

Tall buildings can be iconic structures for an individual use, signify areas of regeneration or act as symbols of economic activity. In the context of Swansea, tall buildings can serve a number of functions that:

- o Create a distinctive skyline;
- o Form key landmarks within a legible city;
- o Contribute to a cluster signalling a key gateway or area;
- o Mark important public, civic or institutional uses;
- o Demonstrate a growing economic position and
- o Set a precedent for sustainable development through the application of best practice requirements, maximising densities and proximity to public transport.

The SPG indicates that tall buildings should:

- o Signify areas of regeneration;
- o Create a distinctive skyline that projects a new image for Swansea;
- o Form a landmark that marks a key city gateway;
- o Maximise densities in proximity to public transport

The Tall Buildings Strategy is applicable to the whole of the City and County of Swansea. However, the main thrust of the strategy focuses on the central area where tall buildings are considered more likely to be promoted and where infrastructure and services are able to support the development. The Tall Building Strategy outlines a number of design criteria and these are addressed within the Placemaking and Heritage consultation response outlined above.

Green Infrastructure/ Sustainable Urban Drainage

The LDP provides specific policies on open space (SI 6) and green infrastructure (ER 2), biodiversity (ER 8,9,11), social infrastructure (SI 2) provision and mitigation of impacts of development. Green infrastructure and biodiversity - Green Infrastructure (ER2) and biodiversity (ER 9) are a central facet of the Plan and fundamental to good placemaking. It is clear that the applicant has fundamentally embraced the objectives of integrating GI within development. The Councils draft Swansea Central Area: Regenerating Our City for Wildlife and Wellbeing Green Infrastructure Strategy sets out that the Council will apply the Green Space Factor Tool (GSF) in consideration of all development in the Swansea Central Area. This is a simple method for measuring the area and likely effectiveness (in providing various ecosystem services) for various green infrastructure types included in project proposals. Section 9.2 of the Design and Access Statement provides an analysis of the proposed green infrastructure using this tool, having regard to the various elements of the scheme including a green / brown roof, trees and planting, green walls and wildlife boxes. The analysis undertaken by the applicant concludes that the proposed green infrastructure achieves the 0.3 target score expected in the Green Infrastructure Strategy for commercial developments, which is welcomed. It is important the green infrastructure across the development maximises the developments contribution to enhancing biodiversity and ecosystem services by applying the draft Strategy's 5 principles of being:

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- o Multifunctional;
- o Biodiverse;
- o Adapted for climate change;
- o Healthy; and
- o Smart and sustainable

In terms of the Green Roof - the draft Swansea Central Area GI Strategy states that green roofs should meet the GRO Green Roof Code of Practice. The proposed planting mix is supported, however, it is suggested that additional native or pollinator attracting species are provided to support native insects which may be controlled through the planning conditions.

Policy Summary

Within the national and local planning context, there is a clear support for the principle of the development at this City Centre location and the uses proposed, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore fully policy compliant.

Heritage Impact

Strategic Policy HC1 seeks to secure the sustainable management, preservation and enhancement of the character and appearance of the historic and cultural environment, whilst supporting appropriate heritage led regeneration proposals to realise the social and economic potential of these assets. HC 2 seeks to ensure that any new development accords with the special architectural and historic interest of designated conservation areas and their settings.

A Historic Environment Desk Based Assessment (HEDBA) has been submitted which assesses the impact on buried heritage assets (archaeological remains) and above ground heritage assets (structures of heritage interest) within or immediately around the proposed Development. It also considers the impact of the proposed development on the historic character and setting of designated assets within the study area (e.g. views to and from Listed Buildings and Conservation Areas).

The HEDBA identifies a total of 176 heritage assets are present in the wider study area, and of these 67 are statutory designated; there are two Scheduled Monuments, (Original Swansea Castle & Swansea Castle); Swansea Castle 5 Grade II* Listed Buildings and 60 Grade II Listed Buildings. There are three Conservation Areas that lie within the study area (500m), the Oxford Street / Nelson Street / Union Street Conservation Area being closest.

The HEDBA considers that the development will have a moderate/slight adverse impact on the setting of scheduled monument of Swansea Castle - GM012 but concludes that it will not be significant and CADW concurs with that conclusion.

The Oxford Street / Nelson Street / Union Street Conservation Area (CA018) lies in closest proximity to the development site and lies on the south side of Kingsway, and at its closest is between 70m and 75m from the Proposed Development. The contribution of the setting of the cultural heritage asset to its significance will be slightly changed as a result of the development but will result in a negligible impact to the settings of the Conservation Area. This will result in a Neutral Slight significance of effect.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

There are no direct effects on the historic fabric of listed buildings and within a closer area than the 500m study area within the HEDBA, within a radii of 250m of the site there are 6 listed buildings; the effect of which is considered in the Placemaking and Heritage comments above.

The HEDBA has also considered the archaeological resource of the proposed development site and Glamorgan Gwent Archaeological Trust have also been consulted on this issue. It is concluded that based on previous development of the site which is likely to have had a severe adverse effect on an archaeological remains that may have been present, in particular the basement excavations it is unlikely that significant archaeological remains will be encountered during the course of the development.

Highways, traffic, car parking, access and pedestrian movements

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

Highways and Active Travel - The transport requirements for development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes. The Central Area is identified in the LDP as the sequentially preferable location for significant office development, partly due to its sustainable travel links. Proposed parking provision should be considered against the Car Parking SPG. The public realm works will provide a new network of interconnected streets, with new pedestrian-only areas, and soft landscape works.

The application is supported with a Transport Statement and Travel Plan. Additionally, a Technical Note has been submitted to provide further information clarification on the highway access and servicing of the proposed development and adjacent properties, specifically;

- o Building heights and swept path manoeuvres
- o Pedestrian provision on Picton Lane
- o Impact and working arrangement on servicing and parking for the commercial properties fronting The Kingsway.

The site is located within an extremely sustainable location within the City Centre and has excellent accessibility to public transport and local services and facilities. Pedestrian access will be obtained directly from The Kingsway and also from Oxford Street when the new link is opened to the south. There are also links directly onto city centre cycle routes providing quick links to the NCN for journeys further afield. Cycle parking has been provided at a level in accordance with the Swansea parking SPG.

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

The site is located within the central core area, and as such there is no requirement to provide car parking, and the demand for private car parking can be met by spare capacity within the existing city centre car parks which are within walking distance to the proposed site, in particular there are 12 car parks within 550m walking distance of the proposed site. A detailed Travel Plan has been submitted with the application outlining the measures to maximise the sustainable travel options.

The provision of quality facilities for cyclists has a key role in facilitating and encouraging travel to the site by bike and is a key part of the development's Travel Plan. The proposals include 70 covered cycle spaces in a secure location within the building and 6 short stay cycle spaces at ground level outside the building. This exceeds Swansea parking standards and as set out in the Travel Plan, monitoring of cycle demand will take place to ensure all demand can be accommodated. Additionally, the public realm layout indicates the location along The Kingsway for a potential 'Santadar' cycle stand.

The proposed layout includes retaining vehicle access on Picton Lane and a new pedestrian link to Oxford Street. Picton Lane will operate as a one-way system for service and emergency vehicles, allowing access from The Kingsway (adjacent to Christina Street), and an exit on to The Kingsway east of The Kingsway / Christina Street junction. A one-way system around the proposed site would retain servicing access to the rear of properties accessed from Picton Lane and bring safety benefits through reducing vehicle movements and a safer environment for non-motorised users. Picton Lane will also continue to provide servicing access to existing commercial properties which back or front onto the Lane.

The vehicle tracking for the pantehnicon and rigid truck shows that the vehicle swept path crosses the building footprint in the south-west corner. The ground floor is reduced at this point with the upper floors cantilevered, as such the vehicle swept path would not conflict with the ground floor building footprint outline. The building will allow sufficient height to accommodate vehicles under the cantilever.

The Transport Statement has considered the existing highway layout, surrounding land uses, and access via all modes of transport. The report has set out key constraints for access by all modes, and identifies measures to mitigate any adverse impacts and enable the development to operate in a sustainable way. The proposed site is located in a sustainable location that can be accessed by all modes, including vehicular trips that can utilise nearby car parks, and the site has good accessibility for pedestrians and cyclists and the site is well connected to the public transport network. The proposed development is in accordance with the local, regional, and national policy guidance which is focussed around the need for sustainably located mixed-use development within employment areas. There is also a requirement for a shift in travel modes, with ambitions for a higher uptake in those modes other than vehicles.

Environmental Issues

The application is submitted with an Acoustics Design Report which provides a summary of the acoustic design including:

- o Façade sound insulation & ventilation strategy;
- o Sound insulation performance of internal separating elements;

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- o Sound absorbent finishes;
- o Noise & vibration from building services.

At basement level and ground floor levels the proposed uses of some areas have not yet been finalised, discussion of the implications of potential uses, including a gym, and event space are provided. Gyms can potentially be noisy spaces, and regard should be had to reduce airborne noise and structure-borne noise and vibration to other potential occupants of the building. The Acoustics Design Report makes a number of recommendations with regard to internal sound insulation and the construction of the building envelope and also in respect of the external plant noise.

The Council's Pollution Control Team are satisfied with the implementation of the recommendations cited in the submitted report - WSP 71/72 Kingsway Stage 3 Acoustic Design Report 70039389-R03-AC January 2020 - in relation to the external and internal noise limits specified with the Report which would cover:

- o Operational noise break out (from cafes, restaurant, gyms) effecting noise sensitive receptors plus;
- o Operational noise from activities effecting internal noise within other commercial units; and
- o Noise from external plant and building services including emergency generator on noise sensitive receptors.

Additionally, the application is supported by an Environmental Noise Assessment Report to consider the impact of external noise on the future operators of the development having regard to the potential from external noise ingress from external plant noise / traffic etc. and in this respect makes recommendations with regard to minimum overall façade specifications including glazing performance. Again the implementation of the recommendations cited in the submitted report - WSP 71 / 72 Kingsway Environmental Noise Assessment Report 70039389-R02-AC November 2019 - may be secured through planning condition.

Drainage

Policy EU4 highlights the need for the development to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

The submitted Sustainable Drainage Design Proposals report outlines that the drainage strategy demonstrates that sustainable drainage principles have been incorporated within its design and that the development complies with the principles of the SUDS hierarchy. The surface water strategy demonstrates that surface water runoff from any impermeable surfaces within the proposed development shall be captured, treated and attenuated, within the site curtilage. Detailed soft landscaping is included which shows the planting in and around development and how it contributes to the attenuation and treatment of the surface water run-off.

As outlined by Council's Drainage Engineer and as acknowledged by the Sustainable Drainage Design Proposals as part of the final SuDS Approval Body (SAB) approval full Construction Maintenance Plan,

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Construction Phasing Plan, Information and communications plan will be required prior to development commencing. The proposals demonstrate that adequate surface water and foul drainage conditions can be provided on-site and a condition is imposed requiring a comprehensive and integrated drainage scheme for the site including details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network.

Ground Investigation Report

As indicated above, the former Oceana nightclub building on the site was demolished in early 2017, and the existing basement was retained. The submitted ground investigation was undertaken to confirm ground and groundwater conditions across the site and to provide information for the detailed design of the structure. Ground gas monitoring was also undertaken and recorded no significant concentrations of methane or carbon dioxide. The Report has concluded that a concrete raft foundation solution could be feasible for use in the proposed development, although as the loads are expected to be higher than previously due to the high-rise structure, the inclusion of a piled solution is likely to be adopted.

Conclusion

The principle of developing the site as a mixed-use development at this City Centre location is supported by Planning Policy Wales and Local Development Plan planning policies at both the national and local level. The development of this site would accord with the aspiration of the SCARF document for the Kingsway/Orchard Street: Complementary Area where the vision is focused on its potential to provide the Central Area with a new defined working living and learning zone with a new business district. The site is located within a sustainable and accessible location within proximity to a wide range of services and public transport facilities.

The proposed scale of the development would accord with the Tall Buildings SPG for this city centre location, and the contemporary design and incorporation of the 'Urban Greenery' would accord with the Council's emerging aspiration of the Green Infrastructure Strategy for the City Centre.

The planning application represents a development of real significance that has the potential to stimulate the ongoing regeneration of the Kingsway Complimentary Area, and to also have wider benefits for the Central Area as a whole, particularly the adjacent Retail Centre. It provides for a significant increase in high quality office space at a sustainable location, providing a modern and attractive working environment and is an exciting proposals representing a huge opportunity for the city. It proposes a new active travel connection north/south between the Kingsway through to Oxford Street along with public realm regeneration and green infrastructure.

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").

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

RECOMMENDATION

APPROVE, subject to the following planning conditions:

1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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

(L)002 Rev E Existing Block Plan; UD-AP-001 Site Location Plan; (L)003 Rev F Proposed Block Plan; (L)010 Rev G Floor Plan Level B2; (L)011 Rev G Floor Plan Level B; (L)012 Rev G Ground Floor Plan Level 0; (L)013 Rev D Floor Plan Level 1; (L)014 Rev H Floor Plan Level 2; (L)015 REV H Floor Plan Level 3; (L)016 Rev H Floor Plan Level 4; (L)017 Rev H Roof Plan Level 5; (L)018 Rev H Roof Plan Level 6; (L)030 Rev C Longitudinal Section; (L)031 Rev C Transverse Section; (L)040 Rev D Site Elevations; (L)041 Rev C South Elevation; (L)042 Rev C North Elevation; (L)043 Rev C East Elevation; (L)044 Rev C West Elevation; 1747-URB-LA-GA-90-001-A Floor 01 Basement Planting; 1747-URB-LA-GA-90-002-A General Arrangement - Public Realm; 1747-URB-LA-GA-90-003-A Floor 02 Balcony Planting; 1747-URB-LA-GA-90-004-A Floor 03 Balcony Planting; 1747-URB-LA-GA-90-005-A Floor 04 Balcony Planting; 1747-URB-LA-GA-90-006-A Floor 05 Rooftop Strategy - Plans Received 7 March, 2020.

Reason: To define the extent of the permission granted.

3 The aggregate commercial and event floorspace as identified on the approved floorplans under Condition 2 and as specified in the Outline Area Schedule 3B and Floor Areas Drawing No. (Z) 010 Rev A shall comprise the following uses:

- Lower basement level B2 gymnasium / business (Class D2 / B1) / event space (Class D1 / D2);
- Basement level B1 Food and Drink (Class A3) / Event space (Class D1 / D2);
- Ground floor level (Class A1, A2 & A3) / event space (Class D1); and;
- Roof Plan Level 5 (Class A3 / D1 / D2)

The floorspace of the Class A1 / A2 / A3 commercial / retail use of the ground floor units shall not fall below 353 square metres and the precise use of the group of commercial / retail units on the ground floor shall be approved in writing by the Local Planning Authority prior to any of those uses commencing.

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

Reason: Whilst the issue of flexible uses is accepted for this development, the Council wishes to retain control over the quantum of ancillary commercial / event floorspace within the development; to retain an active retail / commercial frontage along The Kingsway and in order provide clarity on the approved uses within the development.

- 4 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding demolition, excavation, site preparation and enabling works) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

- 5 Prior to the commencement of any external works to the superstructure of the development details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Typical window and external door units within their openings;
- Cladding / curtain walling;
- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed;
- Corner and soffit details of the cladding materials including fixing details
- Shopfronts / canopies / signage zones;
- Webnet mesh Balustrading;
- Any external ventilation details;
- Photovoltaic Array.

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

Reason: In the interests of visual amenity

- 6 Notwithstanding any detail shown on the approved plans, the proposed development shall be completed prior to beneficial occupation in accordance with any wind mitigation measures which are identified to be required in accordance with a Wind Microclimate Assessment which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.

- 7 Visual transparency shall be retained into each retail/commercial unit in accordance with a Shopfront Code, to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the units.

Reason: To ensure active, attractive and transparent shopfront which will maintain and enhance vitality at street level and avoid dead retail frontages

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- 8 Notwithstanding the details indicated in the Basement Planting, Balcony Planting and Rooftop Strategy drawings, a fully detailed scheme of hard and soft landscaping of the green infrastructure including that of the green / brown rooves, species, spacings and height when planted of all new planting shall be submitted to the Local Planning Authority prior to the development of the superstructure. 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.
- 9 Notwithstanding the details indicated on the General Arrangement Public Realm Drg. No. 1747-URB-LA-GA-90-002-, a fully detailed scheme of hard and soft landscaping of the public realm area including external surfaces, street furniture, lighting, security measures, vehicle and pedestrian access and circulation, planting and surface water drainage infrastructure shall be submitted to the Local Planning Authority prior to the development of the superstructure works. 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.
- 10 Prior to the first beneficial occupation of the development, the proposed management strategy for the future management and maintenance of the development including the building and all areas of public realm and external space within and around the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be managed thereafter in accordance with the approved strategy.
Reason: To ensure that the building and public realm are subject to a future management and maintenance agreement to ensure that they are adequately maintained.
- 11 Prior to the commencement of the superstructure works details of the proposed levels of the development indicating its relationship to the adjoining land and any changes to the site itself shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
Reason: In the interests of visual amenity.

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 25 of Schedule 2 shall not apply.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

- 13 No development shall commence (excluding demolition, excavation, site preparation and enabling works) until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network.

Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of any respective phase of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public foul sewerage system.

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

- 14 Prior to the commencement of the development, including any demolition or enabling works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered throughout the construction period and will need to provide the following:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- Wheel washing facilities.
- Measures to control the emission of dust and dirt during demolition and construction; and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 15 Prior to the occupation of any part of the development, the pedestrian access and secure bicycle storage spaces associated must have been completed and made ready for use, in accordance with the approved drawings. The pedestrian access and cycle parking areas shall be retained and made available for their intended use at all times thereafter.

Reason: To ensure that adequate and safe access to the building is provided and retained and to ensure adequate cycling parking provision.

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- 16 The development shall be brought into beneficial use in accordance with the measures outlined within the submitted Travel Plan - WSP Travel Plan No. 2 November, 2019. The Local Planning Authority shall be informed of the appointed Travel Plan Co-ordinator who shall be responsible for the future reporting and monitoring of the Travel Plan and which shall be subject to review in accordance with the approved details.
Reason: In order to promote sustainable transport measures and maintain the free flow of traffic.
- 17 Prior to commencement of development details of the proposed access works to the highway shall be submitted to and approved in writing by the local planning authority. All access works, relating to the highway, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
- 18 The development shall not be brought into beneficial use until a Delivery Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be implemented and adhered to at all times.
Reason: In the interests of highway safety and general amenity of the surrounding area.
- 19 Prior to the first beneficial occupation of the development, details of a Waste / Refuse Management Plan (including refuse storage areas and recycling facilities associated with the building) for future operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.
Reason: To ensure the management and movement of refuse within the site in the interests of site safety and to ensure that adequate provision is made within the development for the storage of refuse.
- 20 No part of the development shall be brought into beneficial use until the recommendations cited in the submitted report - WSP 71/72 Kingsway Stage 3 Acoustic Design Report 70039389-R03-AC January 2020 - have been implemented in relation to the control of:
- Operational noise break out (from cafes, restaurant, gyms) effecting noise sensitive receptors plus;
 - Operational noise from activities effecting internal noise within other commercial units; and
 - Noise from external plant and building services including emergency generator on noise sensitive receptors.
- Reason: To protect the future occupiers of the development against noise emanating from the commercial activities inside the building and to ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- 21 No part of the development shall be brought into beneficial use until the recommendations cited in the submitted report - WSP 71 / 72 Kingsway Environmental Noise Assessment Report 70039389-R02-AC November 2019 - have been implemented in relation to the control of external noise ingress through the construction of the minimum overall façade specifications including glazing performance.
Reason: To protect the future occupiers of the development against external noise ingress.
- 22 Prior to beneficial occupation of any Class A3 unit within the development, a method of ventilation and fume extraction for each unit shall be submitted to and agreed in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained thereafter.
Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises
- 23 Prior to commencement of the development, detailed plans of any piling operations to be carried out within the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring properties and the piling or other foundation designs using penetrative methods will only be allowed for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: To ensure that a statutory nuisance does not for neighbouring premises and in order to assess potential for pollution of controlled waters from inappropriate methods of piling.
- 24 If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.
Reason: To ensure that the safety of future occupiers is not prejudiced.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application:
- Placemaking and Sustainable Development PS 1, PS 2, PS 4;
 - Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area);
 - Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2;
 - Historic and Cultural Environment HC 1 & HC2;
 - Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety);
 - Regeneration and Commercial Development RC 1 Swansea Central Area Regeneration & RC 2; Retail and Leisure Development; RC 3 Swansea Central Area Retail Centre; RC4 & RC12 Office Development;

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 Biodiversity.
- T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking;
- Policy EU4: Public Utilities and New Development;
- Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development.

2 All highway works will need to be agreed with the Highway Management Group. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact e-mail: networkmanagement@swansea.gov.uk

3 Environmental 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.

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.

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arising 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 locals residences from on-site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations

Planning Committee – 2nd June 2020

Item 4 (Cont'd)

Application Number:

2020/0490/FUL

- 4 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

- 5 Please note that SAB (SuDS Approval Body) approval will be required if planning permission is granted subject to a condition that requires reserved matters to be submitted, and a valid application for approval of the reserved matter is not made before 7th January 2020 (with the exception of single dwellings and developments with a construction area of less than 100 square metres). This is a separate application process to planning permission and a fee will be payable. Complying with SAB criteria may impact on the permission hereby granted. For queries and further information on the requirement for SuDS on new developments, please contact: water@gov.wales

- 6 Birds may be present on the site. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
