

# Planning Committee – 6<sup>th</sup> June 2023

Item 1

Application Number:

2022/1907/FUL

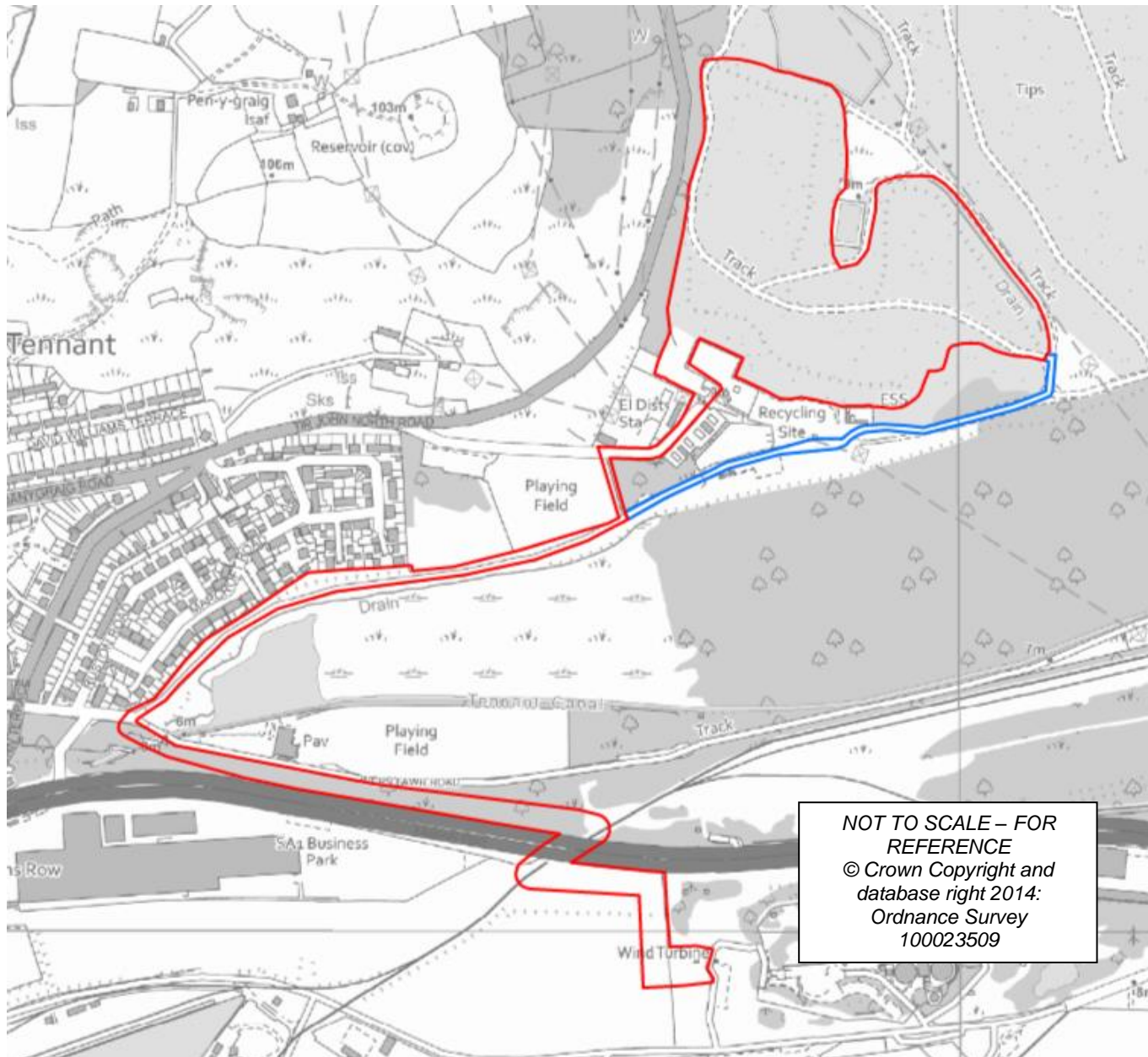
Ward:

St. Thomas - Bay Area

Location: Land At Tir John Landfill , St Thomas, Swansea

Proposal: 3MW ground-mounted solar photovoltaic (PV) farm including ancillary equipment, associated infrastructure and private wire connection

Applicant: Mr Antony Moss City & County of Swansea



## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

### Background

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

The current application is for the construction, operation, and decommissioning of a ground-mounted solar photovoltaic (PV) farm with an installed generating capacity of 3 Mega-Watt (MW), including ancillary equipment, associated infrastructure and private wire connection.

A pre-application enquiry was submitted in August 2019 - 2019/1925/PRE refers. The response was favourable, provided that robust justification was provided at full application stage. A subsequent request for a screening opinion was submitted on the site in 2022, 2022/3044/SCR refers where it was concluded that an Environmental Impact Assessment (EIA) was not required.

### Site Location

The application site comprises an overall area of approximately 11 hectares. The Site forms part of Tir John Landfill located in Port Tennant, and comprises a capped area which is approximately 1/3 of the total landfill site, The part of the Tir John Landfill site included within the site ceased operating as a landfill site in 2015, and was capped between 2016 and 2018. The remaining section of the landfill site continues to operate however.

To the south of the solar farm site is Tir John Household Waste Recycling Centre which remains open together with electricity sub-stations. These are accessed off Tir John North Road. To the north, south and east of the site is Crymlyn Bog National Nature Reserve (NNR), Site of Special Scientific Interest (SSSI), Ramsar, and Special Area of Conservation (SAC), which is a wetland habitat. To the west of the site is the residential area Port Tennant, and to the south is Swansea Gate Business Park. The site is accessed via an unclassified and private road off Wern Fawr Road in Port Tennant. The west of the site is bounded by Dinam Road which travels north from Port Tennant to Crymlyn Bog to the north-west of the site. The nearest residential property is located approximately 300m west of the Site.

A network of Public Right of Way (PRoW) footpaths is located to the west of the Site, the closest footpath is B0484 located adjacent west of Dinam Road. The Wales Coast Path runs east to west parallel to the Tennant Canal, approximately 250m south of the solar PV farm application site.

Access to the site is currently via Wern Fawr Road and the existing private access arrangements serving the landfill site.

### Description of Development

The proposed solar PV farm will comprise of approximately 5,500 solar PV panels, which will each be fixed and mounted onto a metal frame. The solar PV panels would be laid out in straight arrays set at an angle of between 10 to 35 degrees from east to west across the Site.

The solar arrays would be static and the distance between them would typically be between 3-4m and the top of the panels would range between 0.5-1m and 2-3m above ground level. The metal framework housing the solar PV panels will be supported by mounted posts approximately 5m apart and will be fixed to a non-intrusive ballast system. CCTV will also be installed across the site.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

The development also includes a private wire connection which would export the electricity generated to the Swansea Bay Waste water treatment works. The wire connection would lead from Tir John landfill along Wern Fawr Road, crossing the Tennant Can Fields and then cross underneath Fabian Way. The private wire connection would largely consist of a high-voltage (HV) cable for a length of approximately 1.6km, and will largely be underground for its entire length except for works associated with crossing the Tennant Canal and Fabian Way underpass. The permanent cabling easement required will be approximately 450mm in width, with the cable located approximately 520mm below ground to allow room for appropriate cable protection. A construction working width of approximately 5m will be required along the length of the route.

Construction traffic would access the development directly off Fabian Way. Access to the proposed solar PV farm would be taken from Wern Fawr Road via the existing private access arrangements serving the landfill site. These access arrangements are expected to be utilised during construction and for future access to the site for security, maintenance, and operational purposes. For clarification, this access will be separate from the public Recycling Centre, and will not be used by the public.

Within the main development site an access track will be placed to enable the installation and maintenance of the proposed inverter buildings. In total the new access tracks will be approximately 1.1 km in length and constructed from compacted stone or aggregate.

The planning application is accompanied by a number of supporting documents noted below as well as an Ecology Assessment, Glint and Glare assessment and Flood and Drainage Report.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application including the inclusion of details of visual receptors near and far from the site and those from public rights of way in the area and beyond. Close views of the proposed development are generally limited by existing and established vegetation which serves to partially obscure more distant views. The scheme does not incorporate any lighting during its operation and requires little in the way of personnel and vehicles on site during its operation which further reduces its visual impact. It concludes that the effects on Landscape Character would be minimal when taking into account the scale of the proposed development relative to the wider context of the landscape.

A Transport Statement has been submitted which sets out details of the anticipated construction programme, anticipated activity and site parking and manoeuvring arrangements and the proposed access route. Construction works will involve the delivery of equipment and material to and from the site. A timescale of approximately 6 weeks has been indicated for the construction works.

During the whole of the construction phases it is anticipated there will be up to 21 two way trips per day i.e. 10 arrivals and 10 departures. HGVs will be mostly used to deliver all equipment and materials to and from the application site and will access the site from Fabian Way. It is expected that deliveries of materials to the site during the construction phase will be between 0730 hours and 1330 hours Monday to Friday.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

A Pre-Application Consultation (PAC) Report has been submitted as required by The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The Coal Authority were not consulted originally as part of the PAC process, but have since been consulted and as such the current PAC has been updated to reflect this.

### Relevant Planning History

There has been no recent planning applications in relation to the application site. However, it is worth noting that a recent application for a solar farm at Carn Nicholas Farm (Planning Reference 2020/0173/FUL) located approximately 900m west of the application site was approved in June 2020.

### Planning Policy

#### Future Wales - The National Plan 2040

Policy 17 - Renewables and Low Carbon Energy and Associated Infrastructure

The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

In determining planning applications for renewable and low energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

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

Environmental Sustainability

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

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

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.



## Planning Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

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.

### Energy

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

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

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

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as heat 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.

5.7.10 Planning authorities should plan positively for grid infrastructure.

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

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

- for Wales to generate 70% of its electricity consumption from renewable energy by 2023;
- for one Gigawatt of renewable energy capacity in Wales to be locally owned by 2030; and
- for new energy projects to have at least an element of local ownership.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

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

Locational Policies for Renewable and Low Carbon Energy Development

5.9.2 To assist in the achievement of energy and decarbonisation targets, local and regional authorities must take an active, leadership approach at the local and/ or regional level by setting out their vision for decarbonisation and energy for their areas. The Welsh Government recommends a whole systems approach is taken when developing plans for a low carbon energy system. We are exploring the use of Local Area Energy Planning (LAEP), which aims to inform, shape and enable key aspects of the transition to a low carbon energy system

Development Management and Renewable and Low Carbon Energy

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

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

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

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

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

5.9.22 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.

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

## 6.3 Landscape

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

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

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

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

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

## Biodiversity and Ecological Networks

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

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

- 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.



**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

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 Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

### Sustainable Drainage Systems (SuDS) and Development

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

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

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

### 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.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/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.

SD 1 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.

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.

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

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

ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County. Priority will be given to protecting, enhancing and managing the character and quality of the 4 Special Landscape Areas (SLAs) (shown on the Proposals Map). Within SLAs development will only be permitted where there is no significant adverse impact, including cumulative impact, on the character and quality of the landscape, a landscape assessment may be required. Permitted development should aim to protect and enhance the features for which the SLA has been designated. In exceptional circumstances, where development that will have a significant impact on the landscape is necessary, a landscaping scheme will be required with appropriate mitigation and enhancement measures.

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 – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/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 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.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

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

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

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

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

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

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

### **Consultations:**

**Knotweed Officer** - No objection subject to a condition requesting a detailed scheme for the eradication of Japanese Knotweed to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site.

**The Coal Authority** - The application site does fall within the defined Development High Risk Area; however, I can confirm that the nature of development is listed as exempt from Version 6, January 2021 of the Coal Authority's Guidance for Local Planning Authorities.

The Coal Authority are therefore satisfied with the proposal but requests that a standard mining informative be added to any planning permission given.



## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

**Authority's Landscape Architect** - We are happy with the species for both the proposed grass seed mix and the native planting swathes and approval of the management of the new area of native scrub (L.E. 2.6)

We are also happy with the information provided in the Landscape and Visual Impact Assessment, in agreement with the conclusions and the proposed mitigation measures to improve bio-diversity within the site. Though the effects of the development are quantified as having a moderately adverse visual effect, the benefits that providing green energy as promoted in Welsh Government policies will outweigh these effects as Recommended in: 'Energy Wales: A Low Carbon Transition' ( Welsh Government,2012) and the revision to PPW 2021, Section 5.9-Renewable and Low Carbon Energy. Para 5.9.1.

The proposals are also in line with 'Policy EU1:Renewable and Low Carbon Energy Proposals'; Swansea Local Development Plan 2010-2025.

**Ecology** - No objection subject to a number of conditions and informatives including a sensitive lighting plan, Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) prior to works commencing on site.

**Drainage Officer** - Schedule 3, Flood and Water Management Act 2010.

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

From 7 January 2019, all new developments more than 100m<sup>2</sup> will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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.

**Pollution Control** - No objection subject to a condition for a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site to be submitted and agreed prior to works starting on the site and standard informatives regarding construction noise and dust control.

**Natural Resources Wales** - Comment as below:

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Protected sites and Landfill stability If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding Land Contamination should be attached to any planning permission granted AND the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

### Documents

- Swansea Council. TIR JOHN SOLAR FARM. Pre-application Consultation Report. Project No. 70086399, Our Ref. No. PAC REPORT, DATE: OCTOBER 2022, by WSP
- Ecology Assessment for Tir John, Swansea, by Koru Ecology Associates. FINAL V3, dated 5/7/22
- Swansea Council. TIR JOHN SOLAR FARM. Great Crested Newt Survey Report. ECO\_GCN, dated 2022 by WSP
- Drawing Number. 70086399-WSP-ELS-DR-GA-001 Rev P02, Figure 8: Soft Landscape General Arrangement Whole Site, dated 08/03/22 by WSP UK LTD
- Drawing Number. 70086399-WSP-ELS-DR-GA-002 Rev P02, Figure 9: Soft Landscape General Arrangement Solar Farm Site, dated 08/03/22 by WSP UK LTD
- Drawing Number. 70086399-WSP-ELS-DR-GA-003 Rev P03, Figure 10: Soft Landscape General Arrangement Private Wire Route, dated 08/03/22 by WSP UK LTD
- European Protected Species

We welcome the recommendations outlined in Section 6 of the Ecology Assessment, Ecology Assessment for Tir John, Swansea, by Koru Ecology Associates. FINAL V3, dated 5/7/22. We advise that the documents above are included in the list of approved documents and drawings. We agree with the statement in the Pre-application Consultation (PAC) Report that best practice measures for otters should be included in the CEMP.

### Landfill Stability

We previously advised in our response to the Statutory Pre-application (referenced CAS-dated) that the application should demonstrate that the low permeability capping membrane will not be compromised and that details needed to be provided to show the size, arrangement and how the foundations are to be formed on sloping ground. Also, confirmation of what excavation depth is required if benching is proposed to form a level formation. We note the Pre-application Consultation (PAC) Report (Swansea Council TIR JOHN SOLAR FARM Pre-Application Consultation Report by WSP dated October 2022) advises that the existing capping to the tip measures circa 1m in depth (700mm of soil and 300mm protection layer). The foundations of the panels will be designed to ensure that the membrane is not compromised in any way. With regard to ensuring the protection of the landfill Flexible Membrane Liner cap from the construction, details have not yet been provided of how the foundations will be formed, only the statement that they will be designed not to compromise the liner, we still require these details to be provided.

### Land contamination

A preliminary risk assessment "Swansea Council Tir John Solar Farm Geo-Environmental Preliminary Risk Assessment 70086399-PRA November 2021 by WSP" has been provided which mentions the power line connection. This connection travels through land used for railway sidings, there may be contamination from these activities, and we would ask that the conceptual model be updated to reflect the non-landfill elements. Given that railways sidings, especially where made ground has been used to form them may present a risk to controlled waters and there is a secondary A aquifer under the site which meets the waters of Swansea Bay at the connection point, this needs qualifying.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

As the report provided only refers to the Tir John landfill site and there is no information on the area for the power line collection we would ask that the conditions regarding Land affected by contamination, Contamination verification report, Long term monitoring plan, Unsuspected contamination and Surface water drainage are included on any planning permission. Natural Resources Wales also recommend a number of informatives are attached to any consent granted.

Further comments following additional information received -  
Landfill Stability

We note the applicant has responded to our concern about potential damage to the landfill capping liner and our request for additional information. We note they propose to submit details of the solar panel foundations based on structural and geotechnical assessments which we will be happy to consider. Our only advisory comment is that they propose to carry out the geotechnical assessment based on assumed ground parameters and available data. Depending on whether the quality of the available information reviewed is acceptable it may be necessary to follow up with an on-site ground investigation of the restoration soils overlying the capping liner to confirm the assumptions.

**Local Highways Authority** - Comment as below:

The principle of the solar farm was discussed under a pre-application in 2019. It was stated at that time that in the absence of a full Transport Assessment and limited reference to traffic movements then comments with regard to highway safety were extremely limited.

The scheme was subject to a PAC (Pre-application Consultation) undertaken by WSP on behalf of Swansea Council) with the statutory Consultees including the Highway Authority. There were several issues identified as not being fully explained with regard to the movement of construction vehicles to and from the site and the likely routes that would be utilized. The issues were not entirely resolved mainly due to the fact that a final contractor had not been appointed. The current planning application has presented a summary of the PAC responses. The detailed Highway Comments are presented. WSP have responded to the queries raised, several issues cannot be fully addressed in the absence of an appointed Contractor. The agent has stated that they are prepared to accept a condition relating to the submission of a CTMP (Construction Traffic Management Plan). I consider this to be an essential requirement to provide the in depth document prior to works require to ensure the safety for all users.

A Transport Statement (TS) has subsequently been prepared in support of the application. There are not considered to be any highway safety issues associated with the running of the solar farm once the construction phase has been completed, however it is the construction phase that presents the most issues. Accident statistics have been reported in the TS in and around the site access off Fabian Way. There appears to be a cluster of accidents reported on Fabian Way but it is not considered that the solar farm will result in an unacceptable impact on traffic movements, nor the accident occurrences, given the relatively minor increase in traffic (over the current levels of circa 33,000 vehicles daily travelling along Fabian Way). The causation factors identified were human error and not an inherent issue with the design of the road.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

In terms of construction the plans indicate access to the site from Fabian Way in line with the existing route used by HGV's accessing the landfill site. There is also a secondary vehicular access off Wern Fawr Road but this is identified as not being for use by construction traffic. Access into the site from Wern Fawr Road is restricted to HGV'S associated with the landfill site.

Access for the public to Tir John waste recycling centre is provided separately via Tir John North Road. Pedestrian accessibility is limited in and around the site access. In the nearby residential areas there is a good level of footways and PROW's in operation providing segregated provision. Links are also available with regard to access for cyclists to the National Cycle Network route 4. Access to public Transport is available on Tir John North road and also Fabian Way. The site is overall considered to be located in a reasonably sustainable location.

Post construction the need for servicing/maintenance visits will be infrequent. Emergency access (if required) will be gained as currently, via Wern Fawr Road. Whilst the site does benefit from good access arrangements from Wern Fawr Road that currently accommodate frequent HGV movements a CTMP is still considered an essential condition to cover safe access by all modes and to protect existing users and to provide detailed swept path Analysis within the site and an assessment of the access and passing spaces, together with consideration of where the private access leaves the adopted highway.

A Construction Traffic management chapter is contained within the TS however this is not site specific and has been based on generic solar farms within the city and county of Swansea.

Furthermore in the absence of any appointed Contractor the routes/plant/machinery to be used are not finalised, as such the document is not complete. A CTMP will be secured by condition.

Given the existing uses at the site it is not considered that the solar farm will have any detrimental impact on highway safety.

I recommend that no highway objections are raised to the proposal subject to the submission of a Construction Traffic Management Plan for approval prior to any works starting on site. All construction works thereafter should be undertaken in strict accordance with the approved document.

**Dwr Cymru Welsh Water** - In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response (Ref: PPA0007083) has been acknowledged and included at Appendix D of the accompanying Pre-Application Consultation (PAC) Report, prepared by WSP, which acknowledged there appears to be no proposals to communicate to the public sewerage or watermain systems and highlighted that the development is subject to Schedule 3 of the Flood and Water Management Act 2010. However, our response raised concerns in relation to the proposed development and its associated cabling route, given the site is crossed by 250mm and 9" public trunk watermains and two 900mm public rising mains. Accordingly, in the absence of any accompanying plans or cross section details for the area crossing these assets on the Council's website, we offer a holding objection until such time as this information has been provided and request we are reconsulted.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

Further comments - Further to my last e-mail correspondence, I've received confirmation from my colleagues that the survey work has been commissioned and is due to be undertaken in the next 3 - 4 weeks. With this in mind, and with respect to the attached caselaw as well as our recent response to the application for Brockhole Stream (Ref: 2022/0703/FUL), I'm content there is a commitment from the developer and satisfied that the various sewerage and watermain assets can be protected via suitably worded condition for a scheme and risk assessment method statement and standard advisory notes.

### **Neighbour comments:**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through 34 neighbour notification letters were sent on 11th October 2022 and the application was also advertised via site notice and press notice dated 24th October 2022. One letter of comment has been received which expresses interest in attending the site during the construction phase.

## **APPRAISAL**

### **Main Issues**

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

### **Principle of Development**

The proposed development will be a 3MW development and therefore falls outside the 5-50MW criteria of Policy EU1, but the principles of the policy must be complied with. In terms of national guidance, national planning policy on renewable energy developments is set out in Future Wales National Plan - Policy 17 and Planning Policy Wales, Edition 11 (PPW).

Future Wales - The National Plan 2040 Policy 17 - Renewables and Low Carbon Energy and Associated Infrastructure

The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. In determining planning applications for renewable and low energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

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

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



## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

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.

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.

Policy EU1 states:

- "ii. Local Search Areas (LSAs) - Within the LSAs, proposals for solar PV between 5 - 50 MW will be permitted subject to criteria iii to v. All other proposals for renewable and low carbon energy development will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.
- iii. Proposals for all types of renewable and low carbon energy development and associated infrastructure, either on their own, cumulatively or in combination with existing, approved or proposed development, should comply with all other relevant policies in the Plan and should not have a significant adverse effect on: a. The characteristics and features of the proposed location as a result of the siting, design, layout, type of installation and materials used; b. Public amenity or public accessibility to the area; c. Radar, Aircraft Operations or Telecommunications; d. Carbon sinks, unless it can be demonstrated that on-site loss can be adequately mitigated;
- iv. Satisfactory mitigation should be in place to reduce the impact of the proposal and its associated infrastructure; and in the case of solar proposals must mitigate against any impacts of glint and glare. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use. This will be agreed with the LPA prior to the development being carried out.
- v. Where necessary, additional compensatory benefits will be sought in accordance with Policy IO 1 Supporting Infrastructure and Planning Obligations."

The site also lies in the countryside beyond the settlement of Port Tennant and any proposal must accord with LDP Policy CV 2. The policy allows for the provision of necessary infrastructure provision (CV 2vii) provided that it is of a sustainable form with prudent management of natural resources.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

Although located within the countryside, the site forms part of an existing operational landfill site, and therefore clearly previously developed land. However, land which is considered to have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings; or land which is species rich and biodiverse and may qualify as section 7 habitat or identified as having nature conservation value is excluded from the definition. The extent to which the site meets with criteria will need to be assessed. Furthermore, PPW (para 3.55) clearly states that: '...not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health. There may be instances where it may not be possible to develop sensitive uses on previously developed land without placing unnecessary constraints on adjacent existing businesses and activities which require that particular location. In such circumstances the agent of change principle will be a relevant consideration.'

The southern part of the site lies immediately adjacent to a key area of public open space, adjacent to the northern part of Strategic Development Area K, as allocated in the adopted Swansea Local Development Plan, 2019 (Policy SD K). The applicant states that due to the location and the proposed uses within SD K there will be no significant impacts on the amenity of existing and future residents of the surrounding area and will not prejudice the development of SD K. This is also true of the wire cable extending to the WWTWs. The Crymlyn Bog internationally and nationally designated ecological site (RAMSAR, SAC, SSSI and National Nature Reserve (NNR)) lies to the north, south and east of the site. Tir John Household Waste Recycling Centre lies to the south. A number of Public Rights of Way and the Wales Coast Path run close to the site.

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 3MW, would make an important local contribution to achieving such national targets.

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, although the application has not specifically stated this length of time, 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 is supported and would not conflict with national planning policies of the Future Wales Plan or PPW Ed.11 (Feb 2021) or the policies contained within the Swansea LDP (2010-2025).

### **Decommissioning**

When the proposed solar PV panels reach the end of their lifetime (approximately 40 years), the solar farm will be decommissioned, all equipment would be dismantled and removed from the site and the site restored to its previous use. A condition would be attached to any grant of consent to require this to be undertaken along with details of any decommissioning works.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

### Visual Amenity

The application site is current capped vacant and grassed over land that was previously used as a landfill site. The proposed development comprises the construction of 5,500 photovoltaic (PV) solar panels in a series of arrays running west-east across the application site. The panels will be angled so as to maximise the capture of solar energy, facing south, with the top edge up to a maximum of 3m above ground. The panels will measure 4.6m x 1m x 50mm. The solar panels will be bolt anchored by a non-intrusive ballast system.

The private wire route travels south west from Tir John landfill along Wern Fawr Road, it then crosses the Tennant Can Fields and A483 Fabian Way. The private wire route would cross underneath the A483 Fabian Way before continuing in an easterly direction towards the Swansea Bay Wastewater Treatment Works. The private wire connection would largely consist of a high-voltage (HV) cable for a length of approximately 1.6km, and will largely be underground for its entire length except for works associated with crossing the Tennant Canal and Fabian Way underpass.

The permanent cabling easement required will be approximately 450mm in width, with the cable located approximately 520mm below ground to allow room for appropriate cable protection.

There will be two substation buildings, one located at the Tir John landfill site and one located at the end of the Private Wire Connection, at Swansea Bay Wastewater Treatment Works owned by DCWW. The substation buildings will consist of a glass-fibre reinforced polyester enclosure housing switchgear, transformer, and auxiliary electrical equipment, including communication and control systems. The substation buildings will measure approximately 3m in height and will be positioned on a raised concrete plinth.

Construction of the proposed Solar farm is expected to take approximately 6 weeks and the operational life of the solar farm will be approximately 40 years. Once operational there will be only limited requirements for staff to visit the site, with the project being monitored remotely. Typically the installation would be inspected by a member of staff twice a month to ensure that equipment was working correctly and to allow for any activities such as grass cutting/strimming etc.

Security fencing (Details of) and CCTV cameras - existing landscaping retained and new landscaping proposed to reduce the visual impact

Existing tracks located across site already so proposed not going to have a harmful visual impact.

In view of the above, it is considered that the proposed development would have an acceptable impact on visual amenity and therefore accords with Policy PS2 of the adopted Swansea LDP 2010-2025.

### Landscaping

A soft landscaping scheme and details have been submitted with the application to show that existing vegetation and hedgerows will be retained on the site along with the proposal of further landscaping to be planted in order to reduce the visual impact of the development on the surrounding area.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application and has been carried out in accordance with best practice guidance in relation to Landscape and Visual Impact Assessment (LVIA), specifically with reference to the Landscape Institute and IEMA's Guidelines for Landscape and Visual Impact Assessment (GLVIA3) (Landscape Institute and the Institute of Environmental Management and Assessment, 2013).

The LVIA considers:

- Features of the Proposed Development and its context;
- Landscape character, the character of the Proposed Development Site (PDS), and its relationship to its surroundings;
- Landscape-related Planning Designations;
- Views towards the Proposed Development from a range of local visual receptors; and
- Changes to landscape features, landscape character and views arising as a result of the Proposed Development.

For both the landscape and visual assessments, determining the significance of effect of an impact on a receptor is derived from the combination of the magnitude of change and the sensitivity of the landscape or visual receptor. In this assessment, effects found to be 'major' or 'major to moderate' are considered potentially material to the planning process and described as significant. Effects found to be 'moderate' or less are considered potentially non-material to the planning process and are therefore described as not significant.

The assessment considers two distinct but closely related aspects: landscape character and visual amenity. The area of study for the Landscape and Visual Assessment is based on the area of visibility, or the 'Zone of Theoretical Visibility' (ZTV) which is largely based on a 2km radius and together with a Field and desk study has been used to identify a number of viewpoints.

### Visual Receptors

There are a number of residential areas within the 2km Study Area with potential visibility and all were scoped into the assessment following the site visit including Port Tennant; Cefn-Hengoed; Bon-y-Maen; Coed Darcy and Jersey Marine. In order to assess the effects of the Proposed Development on these different receptors, 7 representative viewpoint locations have been chosen.

- PRoW (Footpath BO484)- Kilvey Hill - Moderate (adverse);
- PRoW (Footpath ST484)- Kilvey Hill-220m to the west- Moderate (adverse);
- E 268036, N 194837 - PRoW (Footpath BO477)-1200m to the north-Negligible (adverse);
- E 268407, N 194942-Ty Draw Road-1150m to the north-Negligible (adverse);
- E 268451, N 195635-PRoW (Footpath BO483)-1785m to the north-Minor (adverse);
- E 268129, N 195197-Bon y Maen Road-1450m to the west-Negligible (adverse);
- E 269154, N 193302-The Welsh Coastal Path-325m to the south-Moderate (adverse).

### Summary

The LVIA concludes that the ZTV shows some visibility of the Proposed Development across the wider area; however, the ZTV does not take into account screening from built form or vegetation. The true extent of the visibility of the Proposed Development has been confirmed during the field survey. In the photographs supporting this assessment, the Landscape and Visual impact of the Proposed Development can be seen to be mitigated considerably by existing built form and vegetation.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

The design of the Proposed Development is generally recessive in nature, hugging the landform and comprising built form of a uniform height above ground level. Whilst there are limited opportunities to mitigate the impact of the Proposed Development with vegetation due to its location at the crest of the capped landfill mound and the requirement for adequate insolation (i.e.. not shaded) to maximise the performance of the PV array, close views of the Proposed Development are generally limited by existing vegetation, and established vegetation across the wider Study Area serves to partially obscure more distant views.

The scheme does not incorporate any lighting and requires little in the way of personnel and vehicles on site during its operation which further reduces its visual impact. Within the Study Area, there would be limited visibility from a number of visual receptors (residential, recreational, transport and commercial). The Proposed Development would not significantly affect any residential receptors. In conclusion the Proposed Development would not result in any long-term significant landscape or visual effects nor have it would significant effects on Landscape Character.

The LVIA has been assessed by the Landscape Officer who agrees that it has been produced in accordance with best practice and agrees with the conclusions and the proposed mitigation measures to improve bio-diversity within the site. Though the effects of the development are quantified as having a moderately adverse visual effect, the benefits that providing green energy as promoted in Welsh Government policies will outweigh these effects as Recommended in: 'Energy Wales: A Low Carbon Transition' ( Welsh Government,2012) and the revision to PPW 2021, Section 5.9-Renewable and Low Carbon Energy. Para 5.9.1. The proposals are also in line with 'Policy EU1:Renewable and Low Carbon Energy Proposals'; Swansea Local Development Plan 2010-2025.

It is noted that there is no consideration of impact of external lighting as the proposal does not propose any external lighting. Any future consent should be conditioned to ensure that any external lighting proposed in the future is subject to an external lighting strategy, in order to assess and mitigate any impacts, in accordance with policies RP3 and ER 6 and 8. It is noted that the issue of lighting during the construction phase is also raised within the Ecology Report, with a request of details of any night-work and proposed lighting so the impact on bats, badgers, otters and hedgehogs is minimised.

### **Residential Amenity**

There are no immediate residential properties close to the site as the nearest properties are between 300m and 400m to the west of the site.

The LVIA considers the visual impact of the proposed development from these surrounding residential properties, and concludes that whilst it may be visible to some extent from these properties, existing screening provided by hedgerows and proposed additional hedgerow planting will mitigate these impacts. The impact of the proposed development on a localised level is therefore not considered to be of such significance that would warrant a recommendation of refusal in this instance.

In terms of the potential for glint and glare, particularly from private amenity spaces in properties in the wider surrounding area, a glint and glare assessment has been submitted and it has been concluded that this would not result in any undue impact upon the nearest residential properties.



## Planning Committee – 6<sup>th</sup> June 2023

**Item 1 (Cont'd)**

**Application Number:**

2022/1907/FUL

With regards to potential noise and disturbance, again there are significant distances involved in terms of the application site and neighbouring residential properties. Whilst it is accepted that there would be a certain level of noise and disturbance during construction, particularly from deliveries and site works, given that the construction period is anticipated to be completed within six weeks and is not a continuous construction process, these impacts would be temporary. It is therefore considered that the proposed development would not create significant levels of noise and dust and any noise/dust created during operation would be short in duration.

Accordingly, the proposed development is not considered to have an unacceptable impact on the residential amenities of existing surrounding neighbouring properties and therefore accords with Policy PS2 of the Swansea LDP (2010-2025).

### **Public Rights of Way (PROW)**

There are no public rights of way across the application site, however, the cable route will cross National Cycle Route 4 and the Wales Coast Path. Following further assessment, it is not considered that the proposed development would have a significant adverse impact on the PROW or active travel route in accordance with Policies T7 of the Swansea LDP (2010-2025).

### **Ecology**

The applicant has undertaken an ecological impact assessment of the proposed Solar Park comprising a detailed desk study, consultation and field survey. Two European Sites are present within 10km of the Proposed Scheme, both covering the Crymlyn Bog; The Crymlyn Bog Special Area of Conservation and the Crymlyn Bog Ramsar Site. Both sites are designated for the range of bog and fen habitats along with notable plants and invertebrates that are found there. A Preliminary Ecological Appraisal of the site was undertaken in March 2022 to determine the potential for notable and protected species and habitats within the site and the surrounding area. In built mitigation has been incorporated into the proposed development to ensure all species are safeguarded as far as possible during the proposed development and to provide biodiversity net gains through habitat creation and enhancement. As such, the measures have been confirmed as effective and are considered suitable to minimise / avoid any potential impacts on the SAC.

The Council's Ecologist has reviewed the information within the submitted documents and raises no objection to the proposal but requests that additional information is submitted for further approval via condition such as a Landscape and Management Plan and sensitive lighting strategy. Several other specific informatives relating to bats, badgers, otters, nesting bird etc. are also required. Natural Resources Wales have also requested conditions regarding a Construction Environmental Management Plan and Landscape and Ecological Management Plan (LEMP) as well as conditions relating to land contamination to ensure the long-term success of the landscape scheme of mitigation and to ensure connectivity to the wider environment. These will be attached to any grant of consent.

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

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

## **Access and Highway Safety**

The Local Highway Authority do not raise any objection to the scheme in principle subject to the imposition of a Construction Traffic Management Plan condition, which will ensure safety for all users of the site. In addition, there are not considered to be any highway safety issues associated with the development given the existing uses at the site. They also recommend that an informative relating to general guidance for developers and contractors be imposed and as such, this will also form part of any planning permission given. Accordingly, the proposed development is considered acceptable subject to conditions and accords with Policies PS2, T1 and T5 of the Swansea LDP (2010/2025).

## **Drainage and Flood Risk**

The application is accompanied by a Flood and Surface Water Drainage Report which determines that there is no risk of flooding on the site. Due to the impermeable capped landfill, the development proposes to use the existing drainage system for surface water run-off. The report determines that the solar p.v. panels will result in little significant change to the existing drainage regime and impact on off-site receptors will be negligible. The Council's Drainage Officer has commented that the site is subject to SAB approval. This is a separate permission required for the development and an informative is recommended to remind the applicant of this.

## **Cumulative Impact**

With regard to cumulative impacts, due to the low lying nature of the site, location of existing vegetation and trees and the topography changes between the permitted solar farm at Carn Nicholas farm, it is not considered that the proposed development would have a detrimental impact on the fabric, character and quality of local features and characteristics and is therefore not considered to result in a significant or defining characteristic of the locality.

## **Glint and Glare**

A Glint and Glare Assessment has been included in the Planning Statement and covers the potential effects on visual receptors within the vicinity of the site. It states that solar reflections are possible for 53 dwellings but the existing screening and terrain dictates that impact will be minimal and therefore, no mitigation is required. Therefore, it is considered that no potentially significant glint effects are predicted as a result of the proposed development.

## **Land stability**

The site lies within a Coal Development High Risk Area. However, the Coal Authority have stated that when considering this particular proposal (solar park and associated infrastructure / non-permanent structures) the nature of this development falls within their Exemption List: Part B - Nature of Development, Guidance for Local Planning Authorities Version 5 (2019). Accordingly, there is no requirement for the applicant to submit a Coal Mining Risk Assessment as identified within Section 9.4.3 of the Environmental Report, Volume 1 - Main Text and Appendices, February 2020, which accompanies this planning application. The Coal Authority are therefore satisfied with the proposal but requests that a standard mining informative be added to any planning permission given and would accord with Policy RP7 of the Swansea LDP 2010-2025.

## **Land Contamination**

The site is historically contaminated land as it previously formed part of the Tir John Landfill site. The proposed private route is expected to be underlain by made ground based on the former use of the site.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

There is also a high risk of Unexploded Ordnance due to the level of bombing experienced at the docks in WW2. The site is a capped landfill and leachate gas is collected from the site and pipework to collect the gas runs across the site. An overhead cable runs across the site and there is a proposed 10m buffer around the cable route. The solar p.v.'s have been designed around the existing gas monitoring infrastructure and pipework. The construction of the solar farm will not breach the capping membrane, but the soils will be disturbed in order to install the panels and associated infrastructure. The potential risk to human health and controlled waters is considered low with a moderate risk to ground waters, however to demonstrate that there is no significant risk to life, human health, property, controlled waters or the natural and historic environment, it is considered necessary to attach a condition to request that a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination on the site and a long term monitoring plan, be submitted and agreed by the LPA prior to commencement of works on the site and to accord with RP1, RP 6 and RP 7 of the Swansea LDP (2010-2025).

### Conclusion

Solar Farms present an opportunity for the provision of renewable energy in the UK. There is wide scale commitment to expand the deployment of renewable energy to secure the future energy demand within the UK and protect the end users of the sector from the instability of fossil fuels.

In essence, the scheme assessment and decision outcome is essentially a balance between the national and international will for a future with renewable energy, supported by regional and local policy in principle, against the impact of such schemes on the landscape and environment in which they are sited. 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.

On balance, the proposed development is considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. There would not be significantly adverse visual impact on landscapes and the general locality from the site, and there would be no significantly adverse or detrimental impact on the ecology, habitats, land stability, contamination or highway safety in the area. Therefore, the scheme is considered acceptable and in line with Future Wales Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure - which strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs and is in accordance with the criteria laid out in Policies PS1, PS2, CV2, ER1, ER5, ER6, ER8, ER9, EU1 and RP4 of Swansea's Local Development Plan 2010 - 2025. Approval is recommended.

Consideration has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

### 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:

70086399-002 - REV A - Site Location Plan, Bird Survey Report, Flood and Surface Water Drainage Report, Glint and Glare Study Parts 1, 2, 3 and 4 ,Landscape And Visual Impact Assessment, Outline Construction Environmental Management Plan, Outline Decommissioning Plan, Proposed Development Plan, Transport Statement Parts 1 and 2, 70086399 -D03 - REV V0 - Cross Section Part 1, 70086399 -D05 - REV V0 - Cross Section Part 2, 70086399-001 - Site Layout and Access Plan, 70086399-002 - Indicative Cross Section of Solar Panels, 70086399-WSP-ELS-DR-GA- 001 - REV P02 - Soft Landscape General Arrangement Whole Site Received 9th August 2022, Ecology Assessment prepared by Koru Ecology Associates, 70086399-001 Site Layout Plan, 70086399-WSP-ELS-DR-GA-002 REV P03 - Soft Landscape General Arrangement Solar Farm Site, 70086399-WSP-ELS-DR-GA-003 REV P03 - Soft Landscape General Arrangement - Private Wire received 20th January 2023.

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 Policies EU1 and PS2 of the Swansea LDP (2010-2025).

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 Policies EU1 and PS2 of the Swansea LDP (2010-2025).

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

- 5 No operational works shall take place until details of schemes to protect the structural condition of public sewerage and watermain assets crossing the site have been submitted to and approved in writing by the local planning authority. The schemes shall include a risk assessment method statement outlining the measures taken to secure and protect the structural condition and ongoing access of the sewerage and watermain assets, as well as an asset location survey of the assets prior to commencement of works. No other development pursuant to this permission shall be carried out until the approved protection measures have been implemented and completed. The approved schemes shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.  
Reason: To protect the integrity of the public sewerage and watermain systems and avoid damage thereto and in accordance with Policy PS2 of the Swansea LDP (2010-2025).
- 6 Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved CTMP for the entire construction period.  
Reason: In the interests of highway safety and in accordance with Policy PS2, T1 and T5 of the Swansea LDP (2010-2025).
- 7 Prior to the commencement of development on site, a sensitive lighting strategy for the site shall be submitted to the Local Planning Authority for approval. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights (during construction and operation) must be submitted for approval. The development shall be carried out in accordance with the approved details.  
Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site and accord with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).
- 8 The boundary enclosures, as indicated on the approved plans, shall be constructed prior to the commissioning date and shall thereafter be retained for the lifetime of the development.  
Reason: In the interests of security, community safety and visual amenity and in accordance with Policy PS2 of the Swansea LDP (2010-2025).
- 9 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 thereafter be undertaken in accordance with the approved details.  
Reason: To ensure the finishes of the development have regard to its location within the countryside and to accord with Policy CV2 and Policy PS2 of the Swansea LDP (2010-2025).
- 10 Prior to commencement of development, a detailed scheme for the eradication of Invasive species on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be implemented prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area and to accord with Policies ER6, ER8, ER9 and ER11 of the Swansea LDP (2010-2025).



## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

- 11 Prior to the commencement of development (including site clearance) on site, a final Construction Environmental Management Plan (CEMP) for the site shall be submitted to the Local Planning Authority for approval. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site, particularly with regards to reptiles, amphibians, otters and badgers. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site and to accord with Policies ER6, ER8, ER9 and ER11 of the Swansea LDP (2010-2025).
- 12 Prior to the commencement of development (including site clearance) on site, a Landscape and Ecological Management Plan for the site shall be submitted to the Local Planning Authority for approval. This site-specific document must outline processes and instructions to manage and monitor the site, and its operations, both during and after development, in such a way so as to protect and enhance the biodiversity and ecology of the site. In particular, the methods regarding the following species shall be detailed: bats, nesting birds, badger, hedgehog, reptiles & amphibians.  
Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site and to accord with Policies ER6, ER8, ER9 and ER11 of the Swansea LDP (2010-2025).
- 13 Prior to the commencement of development on site, a scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA. The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity  
Reason: Conserving and enhancing biodiversity and ecosystem resilience and to accord with Policies ER6, ER8, ER9 and ER11 of the Swansea LDP (2010-2025), Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.
- 14 The development hereby approved shall be undertaken in accordance with the recommendations included in Section 6 of the Ecology Assessment, Ecology Assessment for Tir John, Swansea, by Koru Ecology Associates. FINAL V4, received 20th January 2023.  
Reason: To ensure the scheme has no undue impact upon protected species or surrounding designated sites and to accord with Policies ER6, ER8, ER9 and ER11 of the Swansea LDP (2010-2025).
- 15 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.  
Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution and to accord with Policy PS2 of the Swansea LDP (2010-2025).

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

- 16 Prior to the beneficial use of the development hereby approved the landscaping shall be installed in accordance with the approved plans: 70086399-WSP-ELS-DR-GA- 001 - REV P02 - Soft Landscape General Arrangement Whole Site Received 9th August 2022, 70086399-WSP-ELS-DR-GA-002 REV P03 - Soft Landscape General Arrangement Solar Farm Site, 70086399-WSP-ELS-DR-GA-003 REV P03 - Soft Landscape General Arrangement - private Wire received 20th January 2023. 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 Policies ER6, ER8, ER9 and ER11 of the Swansea LDP (2010-2025).

- 17 Prior to the commencement of development on site, the applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site has been submitted to and approved in writing by the Local Planning Authority. Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- a list of potential receptors
- an assessment of the extent of the contamination
- an assessment of the potential risks
- an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/remediation is required.

Phase 1 report: Desk Top Study this shall:

- Provide information as to site history, setting, current and proposed use.
- Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority,

Phase 2: Detailed Investigation  
this shall:

- Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

- Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway receptor pollutant linkages identified in Phase 1.
- Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required. In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority:

Phase 3: Remediation Strategy Options Appraisal  
this shall:

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

Phase 3: Validation/verification Report

- On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure that the safety of future occupiers is not prejudiced, to ensure the protection of controlled waters, to prevent unacceptable risks from contamination and to accord with Policies RP1 and RP6 of the of the Swansea LDP (2010-2025).

18 Prior to the operation of the development, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: To ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on protected species, protected sites, habitats, water quality and flood risk and to accord with Policies RP1, RP6, ER8 and ER9 of the of the Swansea LDP (2010-2025).

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

19 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 the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks and accord with Policies RP6 and PS2 of the of the Swansea LDP (2010-2025).

### Informatives

1 The development plan covering the City and County of Swansea is Future Wales National Plan Policy 17 and the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, CV2, ER1, ER5, ER6, ER8, ER9, EU1, RP4

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

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

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

4 From 7 January 2019 the Welsh Government enacted Schedule 3 of the Flood and Water Management Act 2010; all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with the document 'Statutory Standards for Sustainable Drainage Systems' published by Welsh Ministers. If your development meets the above criteria then Sustainable Drainage Approval will be required before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.

5 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.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

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.

6 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.

7 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).

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

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

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

9 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work.

10 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of the Environment (Wales) Act 2016. This is a list of living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.



## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

11 Reptiles and amphibians may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.

12 It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of the Invasive Alien Species (Enforcement and Permitting) Order 2019.

13 **INFORMATIVES**

1 Construction Noise

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

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

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

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

2 Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

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

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

3 Dust Control

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

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

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

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

### 4 Lighting

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

- 14 Natural Resources Wales recommends that developers should:
1. Follow the risk management framework provided in Land contamination risk management (LCRM)
  2. Refer to 'Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
1. Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection'
- 15 Construction Traffic Management Plan " General Guidance for Developers and Contractors.
- The Contractor needs to demonstrate that the vehicular route which his demolition / construction traffic will use from the major road system to the site has been assessed to be suitable and adequate in view of the type for vehicles that will use it.
  - The contractor will need to assess and demonstrate how his traffic movements will be organised inclusive of deliveries to site and how these will managed in terms of timing, waiting / backing up etc., and for safe access / egress to the site inclusive of any loading and unloading of plant and materials.
  - The contractor will need to provide information of how road users and pedestrians will be accommodated, inclusive of chapter 8 signing and guarding, use gate keepers and banks men, and the ongoing maintenance thereof.
  - The contractor will need to provide details of how he will maintain the roads free from mud, silt, water runoff and damage as a result of his operations etc.

The contractor will need to demonstrate he has adequate provision for workforce car parking and the same provision for residents and visitors during his contract. The above needs to be supported by engineering plans accompanied, swept path analysis, any protection measures or diversions for existing statutory undertaker equipment (coordinated services plan), and a precommencement highway condition survey, provisions for existing street furniture, retaining walls and basements. In addition to the above we will also need the following information:

- Demolition and Construction programme and timetable.
- Details and plans to include indications of materials storage areas, site offices, proposed compounds, delivery and parking areas, the contractor will need to ensure that vehicles can make safe movements into and out of the site (for example we would not wish vehicles to reverse out into the Highway).
- Details of proposed site hoardings, crane over-sail and in addition visibility splays and street lighting concerns/conflicts.
- Details of any proposed Traffic Regulation Orders, Road and or Footway closures etc.
- Details in regard to the type of intended vehicles, and their frequency of movements on a daily basis throughout the intended works programme.

## Planning Committee – 6<sup>th</sup> June 2023

Item 1 (Cont'd)

Application Number:

2022/1907/FUL

For Planning and coordination reasons we will require up to 8 weeks notice for proposed works on the highway. Some licences may be arranged in advance pending the detail and quality of your submission. Items such as relocation of a Street Lighting Column can take 4 weeks to organise and a TTRO can take up to 6 weeks this is something for developers to keep in mind.

- 16 The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

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

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## Planning Committee – 6<sup>th</sup> June 2023

Item 2

Application Number:

2023/0357/OUT

Ward:

Waterfront - Bay Area

Location:

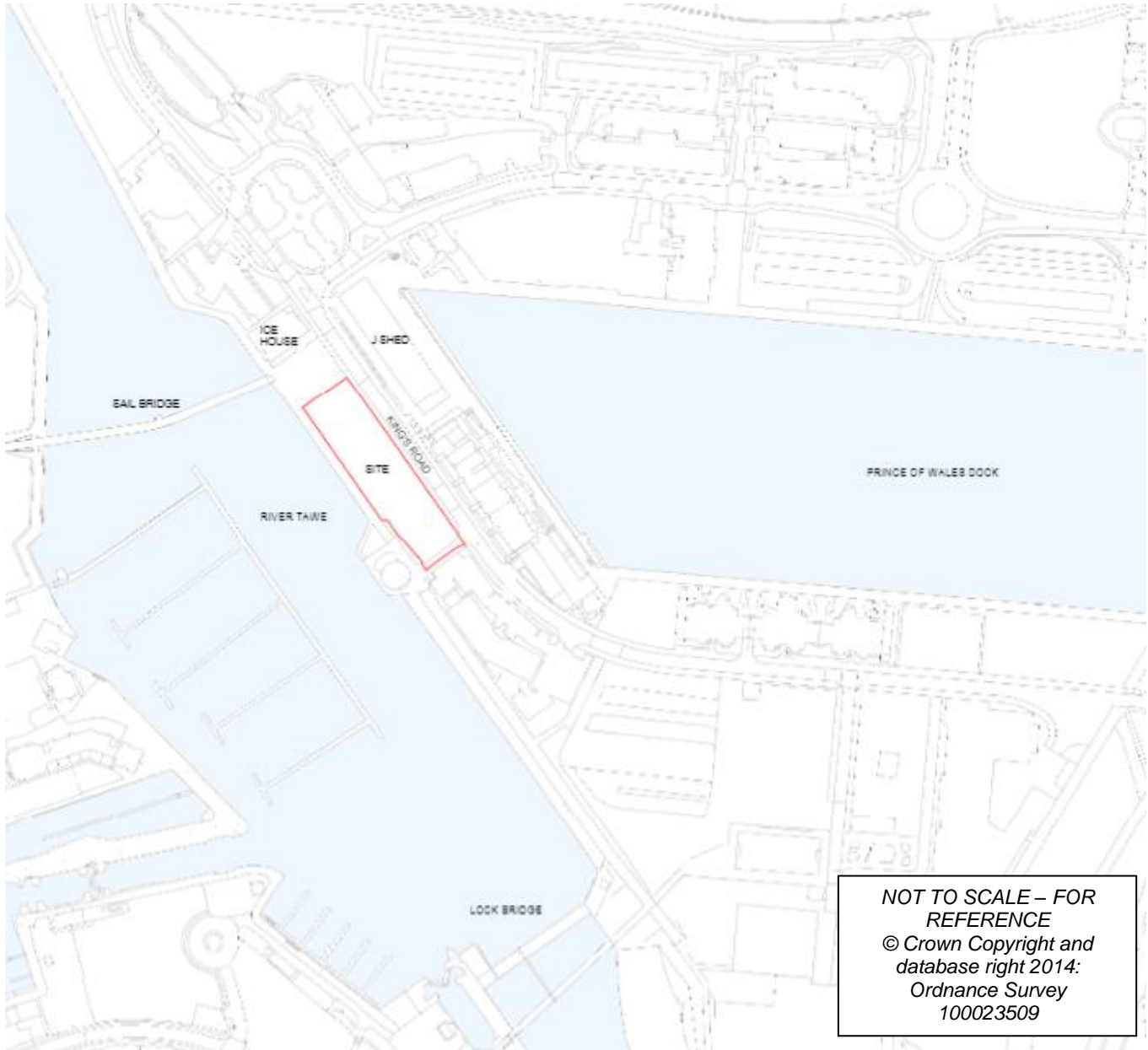
Site B3 , Riverside Wharf, Swansea Waterfront, Swansea, SA1 8AW

Proposal:

Construction of residential units and associated access, car parking, landscaping and infrastructure works (outline)

Applicant:

Everstock Development Limited And Coastal Housing Group



# Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

## Introduction

The application is being reported to Planning Committee as the development is a major development in excess of the Committee thresholds of more than 20 dwellings (albeit 104 apartments) and would provide a building where the floor space to be created by the development would be more than 2,000 square metres.

## Application Site Context

The application site is known as plot B3 within the SA1 Swansea Waterfront Development Masterplan and is a prominent site overlooking the River Tawe. It comprises of a roughly rectangular parcel of land to the West of Kings Road and bounded by the River Tawe and the promenade riverside walkway. The development site is approximately 0.36 hectares, and comprises a vacant brownfield site located opposite the J Shed (listed building) and the 7 storey Altamar 158 unit residential apartment building. The site's south eastern boundary adjoins Llys Tawe, which is a commercial building and the north western boundary is adjacent to a public open space, Ice House Square and the Sailbridge and the listed Ice house building beyond. The site is therefore situated within a sustainable urban location within walking distance of the facilities within the City Centre and public transport.

## Description of Development

The application seeks outline planning permission for the construction of residential units and associated access, car parking, landscaping and infrastructure works with all matters reserved for detailed approval - i) access; ii) appearance; iii) landscaping; iv) layout and v) scale. However, the application is accompanied by a number of Illustrative elevations, site and floor plans together with a number of CGI's (computer generated images).

The application is also accompanied by a series of Parameter Plans including elevations, maximum and minimum Vertical Limits of Deviation and horizontal limits of deviation; vehicular access and Green Infrastructure & Pedestrian Access; and also Landscape Strategy Plan and Drainage Strategy Layouts. These establish the footprint and maximum scale of the development and broadly indicate a development ranging between 4 - 6 stories.

The proposal will provide 104 affordable dwellings, encompassing a variety of house types that are detailed below:

- 39 x 1-bedroom 2-person apartments;
- 53 x 2-bedroom 3-person apartments; and
- 12 x 3-bedroom 5-person apartments.

The ground floor of the residential unit will also be used for public facilities such as 72 cycle spaces and bin facilities, along with a commercial / café unit facing out over Ice House Square. The current site access located at the south-eastern boundary will be maintained as the only vehicular access to the site. The site access will lead vehicles towards the proposed undercroft parking area, which will provide 93 parking spaces for residents and visitors. The site can also be accessed by foot via Kings Road and the Ice House Square for the café lounge area.

Full details of the application are as per the accompanying plans and design and access statement. The planning application has been supported with the following documents:

- Planning Statement;
- Design and Access Statement; including DAS Addendum;



## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

- Travel Plan
- Transport Statement including Highway Technical Note
- Flood Consequence Assessment
- Preliminary Ecological Report
- Phase I Desk Study
- Heritage Impact Assessment
- Drainage Strategy Report.
- Tree Report.

### Relevant Planning History

#### Plot B3

Planning permission was granted for the construction of a residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements was granted planning permission on 10th September, 2006 (Ref: 2006/0499). This permission was implemented in 2008 with the installation of the metal sheet piling works to the basement area but work ceased and therefore the development has never been completed, but as such benefits from the extant permission.

Since then, a Section 73 application to vary condition 1 of planning permission 2006/0499 granted 10th September 2006 in relation to the construction of an additional basement (2 levels), revised parking layout (still accommodating 93 spaces) and provision of a national grid battery installation (battery storage units (including access area) was granted 5th September, 2019 - ref: 2019/1543/S73. The proposed changes related to alterations to below ground level and there would be no changes to the external appearance of the approved building. The battery storage units would store electricity generated through the grid with the capacity to store renewable energy which would be released back into the grid when demand requires it.

#### SA1 Swansea Waterfront

The outline planning permission under Ref: 2002/1000 for the mixed use development at SA1 Swansea Waterfront established the principles of the development through the Development Framework and Land Use Masterplan. A significant proportion of the SA1 Swansea Waterfront infrastructures together with a significant number of buildings have been completed in accordance with the original outline planning permission. The permission was varied under ref:2008/0996 which essentially sought to allow changes for the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the Section 73 permission indicates that the development shall accord with the SA1 Swansea Waterfront Masterplan presented as Figure A2.1 within the Addendum Environmental Statement (April, 2010) and that any departures from the Masterplan will be considered on its merits having specific regard to the provisions of the Development Plan and other related policy.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

The SA1 Masterplan was amended further under the more recent Section 73 application approved under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart. The area of greatest change would be centred around the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter. This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan seeks only to change those parts of the 2010 masterplan that have been acquired by UWTSD in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996.

The latest masterplan for SA1 (varied through 2015/1584) shows that Plot B3 is designated primarily for residential development with a commercial unit overlooking Ice House Square with building heights ranging from 3 storey at the southern end extending to 11 stories over the main plot. The outline plan parameters establishes the principle of residential development in land use and the scale of the development.

### **Response to Consultations**

#### **Pre-application Consultation - PAC**

The proposed development was subject to a Pre-application Consultation. The submitted PAC report has outlined the pre-application consultations undertaken.

#### **Statutory Consultation**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 by press notice and display of site notices (27 February, 2023) and also 6 neighbouring properties were consulted individually.

1 LETTER OF OBJECTION have been received making the following comments:

#### **Insufficient Parking**

The number of proposed parking spaces falls well short of the adopted standard set out in the Council's Supplementary Planning Guidance (SPG) - City and County of Swansea Parking Standards March 2012. Whilst the SPG permits a reduction in parking provision it is subject to the submission of details as set out in the Appendix 5 of the SPG which states on page 55:

"Where an applicant wishes a reduced standard of parking to be considered, this form must be completed and submitted accompanied by relevant evidence."

The SPG would seem to indicate 182 resident spaces, plus 21 for visitors and further spaces for commercial premises.. The sustainability assessment which can reduce this, would still require the provision of 117 resident spaces, with the visitor and commercial requirement unchanged and in addition to this figure.

The applicant seeks to justify the further reduction using outdated statistics (2011 Census) based on neighbouring areas of Swansea which, it could be argued, are not relevant here for many reasons (no account taken of age or other demographics).

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

Denying residents parking spaces reduces the possibility of car ownership in the future and may harm employment prospects. It is, at best, discriminatory and potentially a barrier to full participation in the community.

The Welsh Govt Transport data and trends (A New Wales Transport Strategy) which is much more up-to-date than the 2011 Census, indicates that 80% of workers travel to work by car. It also shows increasing levels of household car access - up from 67% in 2011 to 87% in 2019/20 (figures from National Survey for Wales). The figures are probably even higher now. These figures are more relevant than car ownership used by the applicant. For instance, car ownership takes no account of use of employers' or other vehicles, which will also need parking. Car ownership is increasing throughout the UK. Figures for England indicate an increase from 1.16 cars per average household in 2003 to 1.33 in 2020 (excluding London). In SW England (more akin to Wales in population density), the figure in 2020 was 1.45.

Well-Being of Future Generations Act (2015)

The Act outlines 7 goals which seek to make Wales a more prosperous, resilient, healthy, equal, cohesive, culturally vibrant and globally responsible nation. Denying residents access to a parking space and thus rationing car ownership does not support these goals. It would certainly breach the prosperous, equal and cohesive goals by restricting residents' ability to access employment opportunities; be discriminatory against those who rely on social housing and risks conflict between residents through competition over parking spaces.

It is clear that, as a minimum, the sustainability assessment figure should be adhered to here. Local residents and businesses already suffer significant parking issues. Allowing a development without its own adequate parking provision will further exacerbate an already highly emotive and contentious issue in the area. This is only one of several proposed and existing developments in the area which fail to meet the minimum parking requirement. However, it appears from the plans that there is only space for the parking spaces indicated. This suggests that the developer's commercial considerations (more properties) have taken precedence over residents' amenity and quality of life.

The development, as proposed, will lead to increased on-street car parking to the detriment of highway and pedestrian safety contrary to Policy T6 of The Swansea Local Development Plan for 2019. Living in the area, experience has shown that lack of parking is a huge issue here. Even where it meets the standard, it is still demonstrably insufficient for residents' actual needs. In our development, lack of parking is one of the main issues for all residents with intense competition for any visitor or on-street parking. At times, access to the road is almost impossible due to inappropriate parking and access for emergency vehicles would be very difficult.

Against this background, knowingly allowing a development to go ahead with such limited parking and in contravention of existing guidelines would, at the very least, be irresponsible and be a potential source of friction within the development and outside if residents try to park in neighbouring streets. From a sustainability perspective, it could also be argued that all parking spaces should have electric charging points.

Inappropriate Scale, Mass and Aspect

The scale of the development is too large and densely built on for the size of plot. While some nearby developments may be of similar height, they do not overlook other residential properties.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

The new development clearly shows windows and balconies which will overlook existing residential properties on Kings Road, severely reducing privacy and quality of life for existing residents.

In any case, as stated by Council Senior Partnership & Development Funding Officer in her consultee comments of 26/5/22 for another planned development in SA1, "this development by Pobl on the site at plot D5b is proposing 100% affordable housing scheme which is significantly higher than the requirements for this housing zone." Thus, it appears that no need for such a large development can be demonstrated, particularly when viewed alongside similar proposals for other plots in the area.

I would also argue, that the development will significantly affect the listed nearby buildings. It has been argued in the proposal that it will not affect the main views of J Shed or the Ice House, but the scale of the proposal will dwarf these and are totally out-of-keeping with them. To state that there are already buildings nearby of similar size does not make it right. They are not in such close proximity and do not affect their aspect. Adding further, inappropriate buildings will reduce the attractiveness of the area to visitors and existing residents alike. The visual amenity from the west will be particularly affected.

### Community Green Space

Currently, SA1 Waterfront has no provision for community green spaces, either side of the river, with only one children's play area. The requirement stated in Planning Committee - 6 February, 2018 Public Open Space - SA1, Swansea Waterfront is for 0.8 hectares per 1000 population. Therefore, allowing additional developments of this scale and population density should require additional community green spaces and play areas. Indeed, the additional developments already in planning are likely to increase the population of the area significantly since the report publication, with no further green spaces planned.

It would seem more appropriate here, and more in keeping with the aspect of the listed buildings, to develop B3 as community green space for the benefit of visitors and existing residents.

### Contamination

SA1 is known to have potentially dangerous concentrations of toxic materials in the soils. After consultation with two research scientists working with hazardous materials, the following has become apparent.

Arsenic - the potential levels of 30,000mg/kg or 42\_µg/l are many times in excess of internationally recommended levels (WHO, EPA)

Lead - 1200mg/kg is some 3 times what would be considered acceptable.

Nickel - again, at 210mg/kg the level is around 3 times higher than considered acceptable (over 4 times higher than for farmland)

While I understand that the actual levels may vary by plot, even median levels would be highly concerning. However, based on the figures attached, I would suggest that any disturbance of the land poses a significant potential risk to existing residents' public health and the local environment.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

The foundations required for 6 storey apartment blocks would be deep, so there would be a very large quantity of disturbed soil which would be highly likely to spread contaminated dust across the surrounding, existing properties. There is also a concern that contaminants leaching into the river could also pose a risk to aquatic life and leisure use.

Accordingly, I believe that, before any further developments are allowed within the SA1 Waterfront area, a full, public, risk analysis is carried out involving all relevant UK or Welsh Governmental agencies involved in public health and the environment. This should cover all current and future planned developments.

While I accept that existing developments would have potentially disturbed similar contaminants, it should be borne in mind that all of these were carried out before the local population density reached its current level and were not as close to existing residential properties. Therefore, the risk to public health is now much greater.

**Cllr Bennett** - I am concerned about the parking not meeting the specified minimum of 1 parking space per property as laid out in Swansea Council's Supplementary Planning guidance. In this it states unequivocally "1 space per bedroom (maximum requirement 3 spaces)" (Pg16, [https://www.swansea.gov.uk/media/2903/Car-Parking-standards/pdf/City\\_and\\_County\\_of\\_Swansea\\_Parking\\_Standards.pdf?m=1630782489613](https://www.swansea.gov.uk/media/2903/Car-Parking-standards/pdf/City_and_County_of_Swansea_Parking_Standards.pdf?m=1630782489613)), this is the bare minimum and by the standards laid out concerning visitor spaces and residential spaces the development requires 125 spaces making the development short by 35 spaces or 28% under the minimum.

Whilst I welcome housing in the area this must learn lessons from across the city and within the SA1 area and design out parking issues. Altamar has fewer spaces than properties and this often results in complaints from residents and parking issues in the immediate area with residents being fined. Additionally, similar challenges are felt in the neighbouring South Quay development which over the last 3 years seen residents making use of the car park owned by UWTSD, which is now being limited through the implementation of ANPR.

Furthermore, recommendations were submitted by highways concerned with the lack of parking provided at Crowne place. Additionally, Harbour Quay as a social housing block, has had significant challenges with too few parking spaces, and it is frequently cited that social tenants do not require as much parking, and Harbour Quay and other social housing in Waterfront have demonstrated conclusively this is not the case.

As such it is the accumulative impact of parking spaces not being provided that concerns me. The impact of this has been community cohesion issues on Langdon Road leading to conflict with parking enforcement and fellow residents. I urge the developer to consider providing the minimum parking requirement to minimise the impact on residents.

Additionally, I am concerned about the overall scale of the southernmost tower, the size of this building will tower over the lowest point of Altamar. This could easily have been remedied by having the taller parts of the building to the north next to J-Shed, much like the graded way both Altamar and South Quay have been developed.



## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

Whilst, I would like to see the plot developed, and specifically would welcome it to be developed as social housing to meet demand, this must be done sensitively by providing parking and reducing the impact on residents. I would urge the developer to take on these comments for me to be able to support a revised plan.

**Dwr Cymru Welsh Water** - We note that our consultation response (Ref: PPA0007508) has been acknowledged and included at Appendix G of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning Ltd, which highlights that foul water flows can be accommodated within the public sewerage system whereas surface water flows require SAB consent. As part of this application (Ref: 2023/0357/OUT) we acknowledge receipt of a 'Drainage Strategy Layout - Sheet 1' (Drawing No. 1173-ACE-ZZ-XX-DR-C-8000) which indicates proposals to discharge foul and surface water flows into the adjacent public sewer and watercourse respective and we offer no objection in principle. However, the layout indicates proposals to lay permeable paving above proposed adoptable foul water drainage which we would advise is unacceptable for the purposes of any future SAB application.

Notwithstanding the above, our response also advised that the water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Further comment - With respect to our previous response, we acknowledge receipt of amended drainage plans as part of this latest consultation and maintain no objection, in principle, on the understanding that no surface water flows shall communicate to the public sewerage system. Accordingly, if you are minded to grant planning consent for the above development, we would request that the following Condition is included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

*No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.*

*Reason: To ensure the site is served by a suitable potable water supply.*

**Natural Resources Wales** - We have concerns with the application regarding Flood Risk and our technical comments are provided below. Inadequate information has also been provided in support of the proposal and you're Authority should seek further information from the applicant regarding European Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

We also advise that based on the information submitted to date, conditions regarding Land Contamination and Pollution Prevention should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and document we would object to this planning application.

Document:

We have reviewed the FCA, produced by JBA Consulting, January 2023, Ref. ITL-JBAU-XX-XX-RP-Z-0001-A1-C02-Plot\_B3\_Swansea\_Waterside\_FCA C03.

Flood Risk

The planning application proposes highly vulnerable development residential. Our Flood Risk Map confirms the site to be partially within Zone C2 and Zone A of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 (Rivers and Sea).

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we have reviewed the FCA submitted in support of the application to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

We have reviewed the FCA, produced by JBA Consulting, January 2023, Ref. ITL-JBAU-XX-XX-RP-Z-0001-A1-C02-Plot\_B3\_Swansea\_Waterside\_FCA, Revision C03 and offer the following comments.

The FCA has been informed using NRW 1D-2D ESTRY-TUFLOW model of the Lower Tawe, developed in 2021 by JBA Consulting. The models existing tidal 2022 and 2122 boundary conditions have been uplifted to 2023 for present day, and to 2123, in order to consider flood risk for the lifetime of the development (100 years). The FCA questions the accuracy of the DAM in section 2.2 and 3.3, however, if the applicant wants to challenge the DAM or FMfP further information on how to do so is available via this link [Natural Resources Wales / Challenging our flood maps](#)

The 1% annual exceedance probability (AEP) fluvial event: the site is shown to be flood free and complies with TAN15 A1.14.

The 0.1% AEP fluvial event: part of the site is predicted to experience shallow flooding, primarily less than 0.3m but to a maximum depth of 0.6m, complies with TAN15 A1.15.

Tidal

The 0.5% AEP plus climate change tidal event: the entire site is predicted to experience flood depths greater than 0.6m and to a maximum depth of 1.86m. The FCA states that the depths are due to the temporary site excavations, whilst this is a plausible explanation we cannot confirm if it is true.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

The 0.1% AEP plus climate change tidal event: the entire site is predicted to flood and to a maximum depth of 2.13m, a flood level of 7.73m Above Ordinance Datum (AOD).

Mitigation measures/post development model results:

It is proposed to set ground floor levels at 7.75m AOD, well above the 0.1% AEP flood level of 6.45m AOD. Post development, with the ground floor levels set at 7.75m AOD the development will be flood free during the 1%, 0.1%, 0.5% plus climate change and 0.1% plus climate change events.

Section 5.5 details the flood events which affect access and egress to the development, and management of flood risk during these events. This matter is for consideration by your Authority.

Section 5.6 details flood mitigation measures, including the development of a Flood Response Plan, and that the building management team and occupiers should be advised to sign up to NRW's Flood Warning Scheme.

As it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we would recommend that you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding.

Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users

**Third Party Impacts**

During the 0.1% AEP event flood depths are shown to slightly increase up to 1.4cm to the immediate south of the site, on a short section of the River Tawe walkway. The FCA states that due to the location of this detriment it is unlikely to increase the flood risk (probability or consequence) on any third parties. This demonstrates non-compliance with TAN15 A1.9 and although the impact is not significant, it will require consideration by your Authority.

**European Protected Species**

We have reviewed the following documents:

- 'Everstock Development Ltd Site B3 Riverside Wharf, Swansea Preliminary Ecological Report', Document Ref: Doc 01 - 10/01/2023, dated 10 January, by Bay Ecology

We agree with the recommendation in the above report that the waterbody on site should be subject to an eDNA survey for Great Crested Newt (GCN). GCN are a European Protected Species and their presence should be established prior to any decision on the planning application. We therefore advise that the survey is carried out and submitted to support the planning application.

The survey should be undertaken by qualified, experienced ecologist and comply with current best practice guidelines. In the event that the surveys deviate from published guidance, or there are good reasons for deviation, full justification for this should be included within the application.

## Planning Committee – 6<sup>th</sup> June 2023

### Item 2 (Cont'd)

Application Number:

2023/0357/OUT

Should GCN be confirmed, information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified.

#### Land Contamination

We have reviewed the PHASE I DESK STUDY PLOT B3 KINGS ROAD, SWANSEA Report No: 22168/1 Date: December 2022 by Georisk Management.

We noted in our previous response that there were a number of discrepancies within the report which we acknowledge have now been amended.

Due to the industrial history of the proposed site, we would ask for the Preliminary Risk Assessment / Verification Report / Long-term monitoring & Unsuspected contamination conditions to be applied to any planning permission granted.

#### Surface water drainage

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

#### Piling

Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

#### Pollution Prevention

Due to the proximity of the River Tawe which is adjacent to the proposed development we advise that all appropriate pollution prevention measures are implemented on site during the construction of the development. We therefore advise that a Construction Environment Management Plan (CEMP) is secured by condition on any permission granted.

#### Foul Drainage

We note the Drainage Strategy Document, Report Document No.: 1173-ACE-ZZ-XX-RP-C-1001 Revision: 004, dated February 2023 advises that Foul drainage will discharge unrestricted to the foul sewer within Kings Road via an existing Welsh Water manhole.

#### Drainage -

We have yet to receive a valid SAB pre-app/app for this site which would inform the design requirements of the site, but given the layout shown on dwg 1173-ACE-ZZ-XX-DR-C-8000 Rev P04 it is unlikely that any application would be approved based on this plan as in the SAB Authority's view the WG Statutory SuDS Standards are not met.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

We further highlight that many of the drainage documents submitted have not been seen by the SAB Authority to be tested as part of any pre-app process. In the absence of this testing via the SAB pre-app pathway or a full application the drainage strategy cannot be supported or proven to be acceptable. On this basis alone the SAB Authority Objects to the application as per the requirements of TAN15 and LDP Policy RP4.

In regards to the FCA while floor/ground levels can be elevated to protect against flooding safe access/egress should be considered as part of any FCA which this report has failed to consider in full. Section 5.5 states that access/egress during flood events will be possible through 150mm of flood water however this seems to assume static water which may or may not be static, if water is moving the velocity of it will be key to determining whether the access/egress route is actually safe. Without this assessment having taken place the FCA's assessment is inadequate and does not meet the requirements of TAN15.

The report further mentions that one of the key mitigation measures will be Flood Warnings, how will the developer/building management ensure that everyone in residence is signed up to this on a mandatory basis. There is also mentioned that if residents are unable or unwilling to move the site will provide a safe refuge, this means that no ground floor apartment as a minimum can be used as a safe refuge. Furthermore should a medical emergency occur during a flood event how will the site be access safely.

The Application also needs to viewed in the light of the Authority's Tidal Flood Risk Strategy which commits the Authority to a series of actions which has the potential to increase flood risk to this site.

The Authority recommends that on flood risk grounds the application is Withdrawn or Deferred for the FCA to be revised in the light of these comments. And on surface water grounds the SAB must Object to the application due to the lack of any suitable surface water strategy in accordance with LDP Policy RP4.

Further comment - We echo NRW's concerns regarding flood risk, the part that we will elaborate on relates to increase in flood risk. Figure 5-10 of the FCA highlights that there is an increase in flood depths and risk to an adjacent pumping station, this is a pumping station of strategic importance and the Authority cannot accept any increase in flood risk to such an asset. As such we must Object to the application until the risk can either be removed or mitigated for, the objection will be maintained until the issue is resolved.

In regards to the Drainage Statement, the SAB has a pre-application in under reference 2023/0007/SPA and we will provide comments on that pre-app in due course. We will take this opportunity to highlight that it is possible to gain one approval but not the other and it is key that the two approvals (if given) match exactly.

### **GGAT**

You will recall our previous correspondence, dated 18/01/23, where we stated that information in the Historic Environment Record, curated by this trust, that there are no noted buried archaeological features or findspots within the area of the proposed development. The proposed development area is within the raised and made ground created when the docks were formed at Fabian's Bay.



## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

The complex of docks on the east side of the River Tawe were constructed on land reclaimed from the sea in the late 19th/early 20th century and associated infrastructure is depicted on historic Ordnance Survey mapping. Modern aerial photography indicates the site was previously heavily developed, the construction/demolition of which is likely to have had an adverse effect on any potential remains.

The proposed works involve the construction of residential units and associated access, car parking, landscaping and infrastructure works. The proposed development is in an area which has been heavily developed in the past, therefore the impact upon any archaeological resource is considered to be low. As the archaeological advisors to your Members, we have no objection to this application and do not make any recommendation for mitigation.

**Designing Out Crime Officer** - a number of recommendations are made in respect of perimeter security, lighting, parking and security.

### **Housing -**

The recent Local Housing Market Assessment identifies a need for affordable housing across Swansea and individual Strategic Housing Policy Zones. This site falls within the Central Strategic Housing Policy Zone, Waterfront Ward where there is a high need for affordable housing. This scheme by Coastal is for 100% affordable housing, the proposed affordable housing mix and tenure is acceptable to meet housing need. All affordable housing must be built to WDQR Standard.

This scheme has been submitted to Housing for support through the Programme Development Plan for Welsh Government Funding.

**Pollution Control** - recommends conditions in respect of restricting the flow of sound energy through residential party walls and floors and also between the commercial and residential class uses within the development. Additionally, conditions in respect of potential site contamination.

### **Ecology**

Relevant documents reviewed: Preliminary Ecological Report, Bay Ecology, 10th January 2023.

Protected Sites:

The Tawe Corridor Site of Importance for Nature Conservation (SINC) is located adjacent the application site and the development must therefore comply with Policy ER6. Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following:

Development that would adversely affect locally designated sites of nature conservation importance 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:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

In assessing the potential harm the Council will consider:

- The individual and cumulative effects which will include impacts during construction;
- The role of the site in the ecological connectivity network; and
- Whether effective mitigation and/or compensation measures have been provided.

In order to comply with Policy ER 6, a CEMP and Sensitive Lighting Strategy will be required.

Breeding/nesting birds informatives requested.

Hedgehog informative requested.

Reptiles & Amphibians:

Due to the isolated nature of the site, it is unlikely that significant populations of reptiles or amphibians would be present and therefore further surveys are not considered necessary (the great crested newt record is not verified and unlikely to be accurate). As a precaution a reptile/amphibian method statement should be conditioned and an informative attached.

Lighting Strategy

Condition:

A sensitive lighting strategy for the site shall be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

Construction Environmental Management Plan (CEMP) Condition required.

Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Further comment following submission of GCN eDNA survey results - there is no change then to my previous comments.

**Waste -**

We currently use BS5906-2005 for estimating the volume of refuse and recycling that will be produced by domestic properties. Whilst this document is dated 2005 the volumes are still realistic for estimating the capacity of wheel bins required.

39 x 1 bedroomed apartments x 100L/week = 3,900L

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

53 x 2 bedroomed apartments x 170L/week = 9,010L  
12 x 3 bedroomed apartments x 240L/week = 2,880L  
Total refuse & recycling is estimated to be 15,790L per week.

Swansea Council operate a fortnightly collection of domestic refuse and recycling Therefore to comply with this schedule the development would need the capacity for 31,580L or 29 x 1100L wheel bins.

Welsh Government legislation places a recycling target on all Councils which is currently 64% increasing to 70% by 2025.

The capacity of wheel bins would be split approximately as 20 bins for recycling and 9 for general non-recycling waste. The materials currently recycled include; glass, cans, paper, cardboard, plastics and food waste.

A standard 1100L wheel bin measures 1.3m wide x 1.0m depth (1.3m<sup>2</sup>).

Estimate 29 bins x 1.3 = 38m<sup>2</sup>

Although you would need a much larger floor area than this is there are multiple wheel bins to manoeuvre within the refuse / recycling compound, I do not have exact dimensions required for wheel bin compounds.

If a domestic development cannot accommodate the required number of wheel bins to comply with Swansea Council fortnightly collections, our policy is that all additional wheel bin collections are charged at the prevailing commercial rate to cover the costs of re-routing vehicles to site. For example, if you need 29 bins emptied per fortnight but can only accommodate 20 bins, the management company would pay the commercial rate on the addition 9 bins.

Fortnightly domestic collections are covered by Council tax payments.

Finally to answer your question on accessibility and ramps. When our Health & Safety department last reviewed this, it was acceptable for the crews to wheel the 1100L bins over any reasonable distance provided that the surface was level and in good condition. The crew would not be responsible for wheeling full bins up or down ramps. I do know of a separate premises in Kings Road where the management company (due to the bins being down a ramp) present the wheel bins on the pavement at road level for the collection crew.

### **Mid and West Wales Fire and Rescue Authority -**

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

- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

### Local Highways Authority -

Initial comments

A PAC was undertaken at the site and the Highway Authority gave a detailed response in February 2023. A pre-app was also undertaken at the site under reference 2022/2035/pre for the construction of a 99 bed care home.

The Site benefits from a previous consent for 91 residential units (under 2006/0499) with a ground floor commercial unit. It has been confirmed that substructure/piling works have started on site thus this consent could continue to be built out in line with the 2006 permission (and subsequent amendments). 2006/0499 included 91 car parking spaces so provision was at one space per unit in line with the parking standards.

A Transport Statement (TS) has been produced to support the proposal and assess trips likely to be generated. Given the extant 2006 consent I do not consider that the additional trips generated by the extra 13 units will have any impact on the safety of the network.

The current proposal is in outline form with all matters reserved for up to 104 units with a ground floor commercial unit of 205m<sup>2</sup>. The proposed mix of units is 39 one bed flats, 53 two bed flats and 12 three bed flats. The scale of development varies from 4-5 storeys with undercroft parking.

The proposed basement layout shows 96 parking spaces but they are incorrectly laid out, the standards are 2.6m width by 4.8m long, the spaces as shown measure 2.4m width by 4.7m long. A further 8 spaces are arranged with direct access off the access ramp. The presence of these spaces makes access to the undercroft ramp difficult to achieve. No swept paths have been provided to demonstrate that vehicles can access the ramp to the undercroft parking area.

6 spaces are shown as being intended for disabled users but the layout does not comply with the British Standards. The level of provision is acceptable. 18 spaces are shown for EV charging but it is unclear as to how the infrastructure to support EV charging can be accommodated as no additional depth/length has been allowed for. The level of EV charging points is acceptable, currently the advised minimum provision is 10% of the total spaces.

The TS (1.3.3) makes reference to waste storage and a longitudinal section through the ramp being provided. The ramp cross section appears to be missing, this needs to be addressed to show that the ramp is suitable for the intensification of use that will arise with the introduction of 104 residential units with a commercial use on the ground floor, and will allow for two way flow to be achieved.

Access to the site will be via an existing side road that forms a priority junction with Kings Road. Swept paths are included in Appendix C of the TS. The quantum of car parking provision now stands at one space per unit on the basis of the site scoring seven points through the sustainability appendix to justify a reduction of one space per unit subject to a minimum of one space per unit.

The document further makes representation that social housing historically has lower car ownership, and also using census figures from 2011 to show that 35% of ward dwelling owners do not own a car. It is of relevance that it was previously accepted before as an appropriate parking level given the site location.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

The TS makes reference to the CCS parking standards (2012) being outdated (3.4.8). The SPG document is currently being altered but this site does not form part of any extended areas whereby parking is not required or could be provided at a lower rate than one space per unit.

A layby is shown as being proposed on Kings Road to allow for refuse collections etc. This is outside of the red line but obviously forms a key element with regard to the maintenance/servicing of the block as a whole given that no large vehicles can enter the undercroft parking area. The roads are currently owned/overseen by Welsh Government but they do not appear to have been served notice upon. In the PAC concern was raised regarding the inadequate size of the layby and the fact that traffic flows on Kings Road would be difficult impossible if other vehicles were parked (lawfully) on the other side of the road. Section 3.8 states that use of the layby will be infrequent. I do not concur with this view given that all refuse/servicing and deliveries for the 104 residential units and the commercial unit will have to utilize this single space.

Trip analysis has been undertaken using similarly located sites and a figure of 226 total two way trips for the residential uses are anticipated. Overall the site is expected to generate 318 traffic movements. Whilst I consider this to be towards the lower end of what may be expected it is noted that planning permission exists for 91 units, as such this is only a 10% increase over and above that already deemed acceptable. The site is well located in terms of access to cycle and walking routes. The Quadrant bus station is located 1.3km (walking route) to the west of the site with links to wider bus routes. Swansea Railway Station is located a 1.4km walk away. These figures are on the high side when compared to ideal walking distances.

Appendix C of the TS contains a swept path analysis showing that two cars can enter/exit simultaneously but this needs to be repeated at the actual ramp access which is narrower and obstructed by the 8 other car parking spaces. The ramp itself needs to be analysed to show that cars can pass each other.

Swept paths have been provided to demonstrate that a refuse lorry can pull into a new parking bay fronting the site on Kings Road opposite a series of parking bays for loading only and disabled parking. The layby is not existing, as such the land owner would need to be in agreement for its construction. Kings Road is not currently adopted highway. It is noted that the limited width proposed and encroachment onto Kings Road carriageway is such that other vehicles may not be able to pass if cars were lawfully parked on the opposite of the road, or if one vehicle turned up to deliver to the site at the same time. There are also additional concerns regarding the width of the footway being retained adjacent to the layby as it appears to drop significantly below 2m, (it scales approx. 1.1m) this would not be supported. It is also unclear how a fire tender would be able to access the river side of the building in the event of an emergency but that is more an issue for consideration by the fire service.

CCS Waste Management have made detailed comments regarding the provision of waste storage facilities so I have nothing further to add to that.

Cycle storage is show on the ground floor plan layout, the layout seems cramped but the levels of provision are correct.



## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

The TRICS data supplied with regard to trip rates seems very low (just over two trips per unit per day). Notwithstanding that, the principle of 91 units has already been agreed to and it is not considered that the increase in dwelling numbers will have a significant impact on traffic flows given that the roads in and around the gateway to SA1 are heavily trafficked. I have no issue with the inclusion of the ground floor commercial use either given the previous approval at the site.

No longitudinal section has been provided through the ramp to the basement parking, this needs to be included and indicative gradients shown. Transition gradients may need to be included to accommodate access by all vehicles. There are concerns that in the absence of an appropriately graded ramped access then the vehicles would ground and the whole basement car park would therefore be unusable.

The principle of the 104 units is acceptable however there are numerous issues outlined above that are beyond the scope of resolving through conditions.

1. Inadequate layout of car parking spaces
2. Disabled spaces not to the current British standard
3. EV charging points not having any additional depth for necessary infrastructure
4. an adequate access into the car park (no longitudinal section has been supplied through the ramp), gradients need to be shown and transition areas clearly shown to evidence that vehicles will not ground on entry/exit
5. relies on a new layby for refuse collection and/or servicing/deliveries which is too narrow for the purpose likely to obstructing the free flow of traffic on Kings Road to the detriment of highway safety, is on land outside the control of the applicant (no cert b served) and reduces down the footway to an unacceptable degree
6. swept paths to demonstrate that two way flow on the ramp is achievable plus swept paths to show that the ramp can be accessed given the proximity of the 8 car parking spaces that are not contained within the undercroft parking area.

### **Final Comments**

I have reviewed the amended information and Technical Note 2.

The parking spaces have been increased in size to our standard 2.6 x 4.8m, this has resulted in a reduction to 93 spaces and an overall parking ratio of 90%. Given the sustainable location this is acceptable.

Roll over gradients at either end of the ramp have been reduced to 1:20 and comply with our requirements.

The applicant has provided vehicle tracking to demonstrate the accessibility of the loading bay, this shows the layby is safe and useable. The existing TRO will require amendment to permit loading at this location, given that King's Road is not currently adopted highway this and the physical works will require the agreement of Welsh Government, and the existing Section 38 agreements to be varied. As such the Authority cannot enter into formal agreement under the Highway's Act for these works and they should be secured by Grampian condition which will prevent beneficial occupation until such time as the highway works are complete.

Swept Path Analysis has also been provided for the basement access and fire tender access which also demonstrates that the car park is accessible to 2 way traffic, and tender access.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

As such Highways has no objection to the proposals subject to the inclusion of the above condition.

### **Strategic Planning and Placemaking Appraisal -**

#### Overview

This outline application relates to Plot B3 Riverside Wharf in SA1 Swansea Waterfront and proposes the construction of residential units and associated access, car parking, landscaping and infrastructure works. The application site is approximately 0.36 hectares and comprises a flat brownfield site located at a prominent site overlooking the River Tawe on the gateway into SA1 from the Sailbridge.

The proposal comprises circa 104 1-3 bed apartments and also includes a small 205m<sup>2</sup> commercial unit (A1/A3) at the northern end as active frontage onto Ice House Square.

Relevant planning history - Planning permission for the construction of a residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements was granted planning permission on 10th September, 2006 (Ref: 2006/0499). It is noted that it has been established that this permission was implemented in 2008 with the installation of the metal sheet piling works to the basement area but work ceased and therefore the development has never been completed, but as such benefits from the extant permission.

#### **Principle of Development**

Strategic Policy PS1 directs development to the most sustainable sites within defined settlement boundaries of the urban area. In terms of the delivery of new homes, the LDPs Sustainable Housing Strategy is set out in Strategic Policy PS3, which identifies the creation of new neighbourhoods at Strategic Development Areas (SDAs) as a key mechanism to deliver new housing. This site is located within one of these SDAs - site specific policy SD K Fabian Way Corridor refers.

Policy SD K identifies placemaking principles and developer requirements for SD K. It is allocated for mixed commercial, residential (525 dwellings) and employment development to complement the role of the Swansea Central Area as the City Region economic driver, facilitating an Innovation Corridor to support University expansion. The regeneration of the site also offers the potential to capture the benefits of the planned Tidal Lagoon. The policy identifies that SA1 Swansea Waterfront area has a masterplan that sets out uses for specific plots and capacities for various land uses. Development proposals within site SD K should accord with Placemaking Principles and Development Requirements set out in the Policy including the following:

- Create sustainable residential (Use Class C2 and C3) neighbourhoods in appropriate locations with community facilities and necessary infrastructure.
- The eastern Waterfront, City Approach, Spine Street and other areas of public realm should be defined by active frontages, a coherent building line, continuity of character, legible entrances and an appropriate urban scale of development. Street frontages will be required to combine activity and architectural quality.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

- Create accessible sites which integrate positively with existing communities north and south of Fabian Way, public transport facilities, and Active Travel.
- Off-site highway infrastructure improvements as necessary, having regard to requirements arising from the necessary Transport Assessment.
- On and off-site measures to provide good quality, attractive, legible, safe and accessible pedestrian and cycle linkages, both to and within the new development area, including the linkages set out in the Transport Measures Priority Schedule.
- Contributions to enhance/extend local catchment schools. Full Primary and Secondary contributions required.
- Provision of sports opportunities on site in accordance with FiT requirements with potential for accessible off-site improvements at the Ashlands playing field
- Incorporate Noise and Air mitigation measures into developments where necessary (including fronting Fabian Way and the railway line).
- Ensure that potential effects on the adjacent Crymlyn Bog European Site are subject to Habitats Regulations Assessment (HRA). Only development which demonstrates compliance with the Habitats Regulations will be permitted.
- Provision of affordable housing at the on-site target rate of 15%, subject to consideration of financial viability.

The Concept Plan indicates that the SA1 area has its own detailed masterplan including design codes. The latest masterplan for this site within SA1 has a 3-storey building at the north end with retail use fronting onto the Square, and a river front residential block stepping up to 11 storeys at the south end, reflective of the extant planning consent.

Fundamentally residential development on this site is acceptable in principle but subject to all relevant policies of the Development Plan being satisfied, including placemaking and other technical considerations set out below.

### **Placemaking Principles and Assessment**

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

Future Wales Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.
- Swansea LDP Policies PS 2 and ER 2 highlight that:
- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

Whilst the application is in outline with all matters reserved, the approved SA1 masterplan is a material consideration setting an appropriate use, form and scale of development.

There is a specific placemaking requirement set out in LDP policy SD K for the Fabian Way Corridor area which states:

*The eastern Waterfront, City Approach, Spine Street and other areas of public realm should be defined by active frontages, a coherent building line, continuity of character, legible entrances and an appropriate urban scale of development. Street frontages will be required to combine activity and architectural quality.*

In addition, the adopted Placemaking Guidance for Residential Development SPG provides important guidance on how the key placemaking objectives and policy requirements that are set out in the development plan and national policy should be integrated into proposals.

On the basis that this application is in outline with all matters reserved the proposal takes the form of an indicative scheme, with supporting Design and Access Statement and parameters plans. These submitted documents have been considered, having regard to the relevant policy and guidance highlighted, and the following provides an assessment by the Council's Placemaking and Heritage Officer with reference to the key placemaking themes headings defined in the adopted Placemaking SPG:

### Neighbourhoods

The proposals seek to deliver new, quality homes within an established mixed use neighbourhood fronting onto the River Tawe frontage within the SA1 masterplan area. There is a clear need for additional homes to be delivered at SA1, as set out in the relevant LDP Policy and masterplan for the site, and as such the proposals are consistent with the aim to deliver quality new and extended residential neighbourhoods in Swansea.

### Density and Mixed Uses

The site is located within a 15 minute walkable neighbourhood distance of various commercial and community facilities including superstore, health centre, local store, church, A3 F&B uses, public transport, plus under 1km level walk/ cycle to Swansea City Centre.

The proposal comprises circa 104 1-3 bed apartments all affordable for circa 300 residents. Note that the quantum of accommodation is not capped - most outline applications are required to specify up to 104 apartments. The scheme has an urban density of 289 dph on a 0.36 ha site which is welcomed for this dockside regeneration location but as highlighted later in these comments there are concerns regarding the amenity provision for the density proposed.

The proposal includes a small commercial space at the northern end as active frontage onto Ice House Square. Whilst this is seeking to accord with the approved SA1 outline masterplan which is material consideration, it is questioned whether the 200 sqm commercial space with shallow plan would accommodate a successful and viable A3 business as active frontage onto Ice House Square. There is no testing provided to show how back of house facilities such as WCs, kitchens etc fits into footprint to leave sufficient space for covers. Therefore testing of the commercial unit must be undertaken and it may be that this floor space needs to be greater to ensure viable active frontage commercial use. Plus precedents for the size of A3 unit proposed should be included in the DAS.

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

#### Blue/ Green Infrastructure

The proposal must comply with SUDs requirements and this is shown to be via permeable surfaces to external ground floor areas. However it is not clear if the extent of permeable surface zones can be delivered given that these include ramps and steps plus trees that may conflict with pipes and drainage mediums. Whilst this is an outline application with all matters reserved this is a key issue because if the SUDs strategy cannot be accommodated then this may restrict the footprint and density of development. Therefore more testing is required to demonstrate that the SUDs strategy is compatible with multi functional green infrastructure.

#### Making Connections

The site lies within an existing movement network with Kings Road acting as a north south tree lined spine street accommodating all travel modes. The Tawe Walkway and Ice House square leading to Sailbridge also acts as an active travel route, part of NCN 43. It is also located at a major gateway transition between SA1 and the city centre. The proposal does not seek to create any new movement routes but the parameter plans do need to provide scope for residential connections to all routes with the opportunity for entrances on all sides.

#### Public Spaces

The proposal seeks to define the south side of Ice House Square with active frontage. However testing is needed to prove that the 200sqm shallow plan commercial unit is viable with back of house facilities and space for covers etc. It must be demonstrated that this is a viable commercial unit as a key active edge to important public space not a difficult to let kiosk.

The proposed new ground floor levels are between 0.75-1.05 above existing levels and requires a transition at the north to accommodate an useable external seating area for the A3 unit, not just a ramp access. This spill out terrace is shown in the indicated scheme but is not sufficiently robust in the parameters plan. This minimum useable area of this external seating should be quantified in the land use parameters plan.

Whilst the two areas of riverfront courtyard are welcomed for shared use by residents, the size of these areas in the indicative plans of 615sqm (stated to be 570sqm in section 5.4 of the DAS) is insufficient for the circa 300 residents. This is a significant issue contrary to LDP Policy PS 2 and the adopted Placemaking Guidance for Residential Developments which states in paragraph B.10

*Fundamentally, achieving higher density development must not be at the expense of the character of an area or the integration of placemaking requirements, and must not give rise to adverse impacts on the health and well being of existing or future residents.*

Therefore rather than increasing the size of the shared garden areas, all flats must have private amenity space in the form of balconies - this is addressed later in these comments.

Whilst an indicative design for the shared gardens is provided this is not carried into any of the parameters. Could the gardens have direct residential access from the public realm? The Landscape strategy and parameters needs to show defensive space for ground floor flats onto communal area. The DAS should set parameter principles for this space to guide future Reserved Matters applications.



## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

Application of FIT guidance indicates that the quantum of flats proposed generates a need for play provision. The communal spaces on site are too small for play area provision with suitable buffers and therefore given the scale of this development there should be an offsite play contribution towards allocated areas.

### Streets as Places

There are no new streets created by this proposal. Vehicles are brought into the basement parking via an existing spur street to the south with external space for parking and turning. Residential entrances are legible and direct off Kings Road and given that this is an outline application there is also scope for residential entrances off the riverside walkway.

### Inclusive Places

The scheme is proposed as 100% affordable housing. It is not clear if any of the flats are proposed as accessible homes.

The ground floor is raised 0.75m - 1.05m above Kings Road and all entrances must be accessible for all. The DAS indicates that ramps are proposed and that platform lifts have been discounted. These ramps are shown on the indicative plans but it is not clear if these have an accessible gradient with resting places in accordance with Building Regulations Part M so this requires more testing. The flats are accessed via lifts.

### Townscape

The indicative proposal predominantly has 4 storey scale running parallel to Kings Road stepping up to 5 storeys onto Ice House Square and 6 storeys as an intermediate cross wing to break up the linear mass. The past scheme for this site comprised 4 storeys onto Ice House Square stepping up to 11 storeys in the south. The current proposal is considered to be an acceptable urban scale in accordance with the SA1 masterplan. The relationship to designated heritage assets is considered later in these comments.

The past scheme retained a view corridor from the middle of Sailbridge to J Shed and the Prince of Wales Dock. This has been tested in the current proposals and it was not clear what this past view was seeking to achieve because the levels mean that the dock would never be visible from Sailbridge. The current proposals omit this view corridor and instead proposes a high quality building of active frontages retaining views from Sailbridge to the Ice House and north end of J Shed. This is considered acceptable.

The existing site levels are indicated to range from 6.3 - 7.0 AOD and the proposed ground is proposed to be raised to 7.75m AOD for flood protection which means there will be a change of 1.05-0.75m above existing external levels. To date the maximum upstands accepted in SA1 are circa 0.5m so testing is required to show the effect of how the upstand required for flood mitigation is resolved to not be dead and inactive frontage. This also needs testing of level transitions to ensure accessible ramps can be accommodated.

The proposal is for all outward facing frontages with no rear elevations - this is welcomed to ensure a positive response to surrounding areas of public realm but this is not carried forward to the parameter plans which need to include residential active frontages.

## Planning Committee – 6<sup>th</sup> June 2023

### Item 2 (Cont'd)

Application Number:

2023/0357/OUT

#### Quality and Character

The elevations incorporate robust brick finishes referencing the SA1 heritage buildings such as J Shed and Ice House plus accords with the outline masterplan design code.

The repeating gable form references typical dockside architecture with precedents from Bristol Wapping Wharf and Gloucester which is welcomed. However the outline height deviation parameters appear to allow for a flat roof design which is not tested or justified. The repeating gables and use of red brick need to be clearly set as a DAS principle to guide future reserved matters applications - at present these are communicated as concepts and need to be set out as a DAS section on architectural strategy to guide the Reserved Matters detail.

The indicative elevations have full height windows which is welcomed but as per the repeating gables this needs to be established as a DAS principle.

#### Community Safety

In general external areas are well overlooked in the indicative scheme.

The proposed ground floor flats facing Kings Road have a ramp in close proximity and very narrow privacy strip. The width of this planting area needs to be confirmed and tested to ensure the planting can be accommodated with structures etc.

It appears that the communal spaces on the west adjacent the Tawe have railings to be secure and there is also scope for direct residential access from this public realm area.

#### Privacy and Amenity

At the PAC stage it was informally highlighted that balconies are a key requirement as set out in the adopted Placemaking Guidance for Residential Developments SPG.

*K.20 Balconies are expected to be provided for new build and converted flats above ground floor level. These provide important amenity space and can also play an important role in adding visual interest and activity to street frontages. Balconies must be of adequate size to allow the space to have a functional purpose. As a minimum, private balconies should be 3m<sup>2</sup> for 1 person or 2 person dwellings plus 1m<sup>2</sup> per additional person and should be organised to be a useable space for sitting around a table with a width of 1.0 - 1.5m. Ground floor flats should have direct access to a private garden/ terrace area of at least comparable size to the upper floor balconies. Where sufficient evidence is provided to justify why balconies cannot be provided on a particular scheme, for example amenity concerns, then Juliet balconies should be incorporated.*

*K.21 All flats are expected to provide full height glazing to maximise natural lighting and outlook. Where single aspect north facing flats are justified as a placemaking approach there should be a daylighting assessment to demonstrate that these are not gloomy.*

The text in DAS section 5.9 misinterprets paragraph K.9 of the adopted Placemaking Guidance for Residential Developments - this paragraph of the adopted SPG addresses flexibility in relation to gardens for townhouses in urban locations. The key paragraph is K.20 which clearly sets the requirement for adequate useable amenity space for flats. The current proposal is for Juliette balconies but this is not considered an acceptable approach given the quantum of development.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

Given the very high density of this scheme at 277dph with circa 100 flats accommodating circa 350 people, the current proposal is that they will share two small ground floor areas of 615sqm (approx 1.75sqm per person) which is considered insufficient and detrimental well-being and community cohesion. This would be contrary to LDP Policy PS2 and the SPG. Instead it is essential that all flats have balconies as useable private external space. The outline proposals and indicated drawings need to be amended to show individual useable balconies to all flats with size as per the adopted SPG.

The need to justify the single aspect design was also informally flagged at the PAC stage. In response to this the DAS states that the single aspect design is essential to deliver active frontages onto the Tawe and Kings Road. The DAS incorrectly states that there are no sole north facing flats. A clear tally of flats orientation should be provided and this can note that the majority of flats are either single aspect east or west facing plus that some flats at corners are dual aspect.

The indicative elevation show full height windows for character and to mitigate the single aspect homes as required by paragraph K.3 of the SPG and the requirement for full height windows needs to be set as a DAS principle.

As indicated earlier in these comments, all ground floor flats require defensible planted buffer but these are not shown in all cases within the indicative plans and not addressed in the parameter plans.

The separation to the existing flats in the Altmar Building on the east side of Kings Road is mainly 20m increasing to 27m at the north end. As indicated in paragraph K.28 of the adopted Placemaking Guidance for Residential Developments the acceptable privacy separation across public realm areas such as streets is assessed on a case by case basis with regard to the character of this area. In this instance the separation of mainly 20m is considered acceptable given the urban context and with reference to the consented previous scheme for this site. This separation across the street between apartments is consistent with other areas of SA1 and the Swansea Point area.

### Accommodating Parking

The indicative scheme shows cycle parking in inaccessible location which does not promote active travel. The cycle parking needs ramps and double doors to properly promote active travel. It is suggested that the cycle parking could be off Kings Road as an element of active frontage and this needs to be addressed in the parameter plans.

The basement accommodates a parking ratio of 1 space per unit and the move towards reducing parking provision in an accessible location with range of facilities within the 15 minute walkable neighbourhood is supported as set out in Future Wales. However whilst this is an indicative scheme it appears that the basement cannot accommodate more than 104 parking spaces whereas the number of residential units is not capped.

### Relationship to designated heritage assets

Within a 300m distance of the application site there are a number of designated heritage assets that have a visual setting relationship with this site as follows.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

As the application is in outline with all matters reserved, this assessment addresses the principle of development is based on the indicative scheme and the final architectural detail proposals will be assessed relative to the designated heritage assets when the Reserved Matters application is submitted.

### Key Buildings

**Flag Ship Building (known as the Ice House)** - This grade II listed building lies circa 35m to the north of the development site on the opposite side of Ice house Square. This former ice production building now converted to mixed uses with restaurants on the ground floor and residential above. The chimney is a key feature and the main views of the 2-3 storey listed building are from the north on the west bank of the Tawe or from the Sailbridge. The proposal is to define the south side of Ice House square with a circa 5 storey block. The proposal has a greater scale than the listed building but is considered acceptable as a maximum height given the separation and positive definition to the south side of the public space. The proposal does not block any key views to this listed building but will feature as a more urban back drop; this is considered acceptable on the basis of the SA1 regeneration area and use of red brick plus repeating gables that give a more contextual relationship. Therefore it is considered that the proposal would not harm the setting of this grade II listed building.

**J Shed Warehouse** - This grade II listed building lies circa 27m to the north east on the opposite side of Kings Road. This former redbrick warehouse house now function as mixed uses over 3 floors with restaurants on the ground floor and offices above. The proposal has a greater scale than the listed building but is considered acceptable given the separation and urban scale onto Kings Road. The proposal retains views of the north end of J Shed from Sailbridge to view as a group with the Ice House. The proposal will feature in the long view looking west along Prince of Wales Dock with the development rising up behind the pitched slate roof of J Shed. Given that the general scale of development is 4 residential storeys stepping up to 5 and 6 storeys in localised areas this is not considered to be discordant on the basis of the SA1 regeneration area and use of red brick plus repeating gables that give a more contextual relationship. Therefore it is considered that the proposal would not harm the setting of this grade II listed building.

**Pilot House** - This grade II listed building lies circa 270m to the south on the opposite side of the river Tawe. The orientation of this listed building primarily faces north east onto the waterfront area. The proposed 4-6 storey building on plot B3 will form part of the wider setting looking across to the SA1 regeneration area comprising a range of larger contemporary buildings. Therefore it is considered that the proposal would not harm the setting of this grade II listed building.

**Old Guildhall** - This grade II\* listed building lies circa 270m to the west of the site on the opposite side of the river Tawe. This building was constructed as the Civic Centre for Swansea and latterly has become a venue, university accommodation and museum. The key relationship is to the Regency streets of the Maritime Quarter conservation area and the river frontage context has changed must since original construction with riverside developments and the iconic

**Sailbridge** - The proposed 4-6 storey building will form part of the wider setting looking across to the SA1 regeneration area comprising a range of larger contemporary buildings. Whilst this is a change of outlook from this former civic building, the Sailbridge site and plot B3 has always been a development site for a taller building. Therefore it is considered that the proposal would not harm the setting of this grade II\* listed building.

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

**Cambrian Place Terrace** - This group of grade II listed buildings lies circa 250m to the west of the site on the opposite side of the river Tawe. These Regency town houses have been converted to flats. The primary orientation is south facing onto Cambrian Place but the end house has original side windows facing east to the riverfrontage. The key relationship is to the Regency streets of the Maritime Quarter conservation area and the river frontage context has changed much since original construction with riverside developments and the iconic Sailbridge. The proposed 4-6 storey building will form part of the wider setting looking across to the SA1 regeneration area comprising a range of larger contemporary buildings. Whilst this is a change of, the Sailbridge site and plot B3 has always been a development site for a taller building. Therefore it is considered that the proposal would not harm the setting of this grade II listed building.

**Maritime Quarter Conservation Area** - The boundary to this area lies circa 250m to the west. There is no direct effect on this designated area. The establishment of this area aimed to maximise the southern outlook and the eastern river frontage was secondary. The relationship of the Regency streets to the river frontage has changed with the tidal zone reclaimed for dry docks and latterly infilled as a development plot. The proposed development will reduce intervisibility to the J Shed and Ice House but does retain visibility of these to the north from the Sailbridge. Furthermore the Sailbridge site is a development area that will eventually separate the conservation area from the western riverbank. Therefore the proposal is not considered to have a harmful effect of the Maritime Quarter conservation area.

## Parameter plans

Based on the assessment of the indicative scheme, there are a number of issues to resolved in the parameters plan.

## Vertical deviation

- It appears that the indicative elevations are based on the minimum heights but this is not stated. Whilst there may be scope to increase height at the south end, the proposed 5 residential stories onto Ice House Square is considered to be the maximum acceptable in terms of the listed building setting and open space enclosure. This means that the scope to add an extra floor to this area in the parameters needs to be removed.
- The vertical deviation diagram appears to allow a flat roof design which is not referenced in the DAS principles. If the gables are a key concept then these should be retained irrespective of height

## Horizontal deviation

- The potential horizontal deviation up to the rear of the Kings Road footway is not acceptable. This zone must include a set back to allow for the level transition of circa 0.75m for access, flood and softening requirements, plus the set back is also required to ensure a defensible space buffer for ground floor flats.
- The potential horizontal deviation reducing the terrace onto Ice House Square is not acceptable. This external area must allow sufficient space for a useable terrace for external seating for the A3 use.
- In the South west the deviation to fill the entire site close to the pumping station boundary does not appear to be based on any testing and could result in a monolithic form and lack of shared amenity space.



# Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

## Land use

- Area of A3 use may need to be expanded based on testing
- Commercial active frontage should wrap around to the river and Kings Road corners
- Outward facing residential active frontage also needs to be confirmed on this parameter plan to clarify that there is no blank or rear elevations.
- Area of communal space needs to be specified as a maximum and minimum - this needs to work in conjunction with the horizontal deviation parameters plan so for example if the building line moves the area of communal space is maintained not diminished.
- Should the description be for up to 104 residential units?

## Vehicle access

- Should be called 'Access and Movement' for all modes not just vehicles
- Needs to allow potential for residential entrance off river walkway
- Cycle parking shown in poor location
- This parameters plan needs to show zones for accessible pedestrian ramps due to the raised ground floor level

## GI parameters plan

- This is required
- Set minimum size for communal space
- Set use of space seating, play area etc

## Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with Development Plan policy and having regard to Council adopted SPG on Biodiversity and Development. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Extracts from the Council's Biodiversity and Development SPG are provided in Annex B of this response. These relate to how the requirement for biodiversity can be addressed, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience.

## Other Key Issues

**Historic Contaminated Land (Docks Railway)** - The site is designated as historic land contamination on the LDP constraints map.

**NRW Flood Zones 2 and 3** - The current flooding Development Advice Map appears to show the site has some C2 flood risk. The Future Flood Map for Planning (FmFP) appears to show that the site is Flood Zone 3 Rivers and Sea.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

NRW has set out how it intends to advise decision makers in relation to the development management process going forward, where flood risk is a material consideration. On 23 November 2021, the Minister for Climate Change issued a letter to confirm that the impending new TAN 15 (Technical Advice Note 15: Development, flooding and coastal erosion) will not come into force until 1 June 2023 (a draft has recently been released for consultation). The Development Advice Map supporting the extant TAN15 is considered out of date by NRW, with no updates have been made for over 2 years and no future updates are expected. The new Flood Map for Planning (FMfP) is therefore considered by NRW to be the best available spatial information held on flood risk and is being updated every 6 months. On 15 December 2021, Welsh Government's Chief Planner issued a letter to clarify that the FMfP may be regarded as a material consideration. Therefore, NRW have confirmed that they will be considering both the DAM and the FMfP as part of the consultation process and provide comments accordingly. The FMfP remains publicly available <https://flood-map-for-planning.naturalresources.wales/> and as such, it would be helpful to use it as part of constraints checking. The applicant should be advised of the position set out above in terms of the new TAN and the NRW approach to advice.

### Comments

The principle of development is acceptable and would make a welcome contribution to affordable housing provision, subject to all material planning matters being acceptable. However, whilst this proposal is broadly supported, there are a number of issues to resolve and at present the high density approach creates unacceptable issues for well-being which is contrary to LDP Policy PS2 and the adopted Placemaking Guidance for Residential Developments. These issues are not outweighed by the positive aspects and amendments, which are itemised in the response above, are required before a placemaking recommendation for approval can be provided.

Key additional information and amendments required include:

1. Test commercial unit to show if space indicated is viable with BoH/ WC etc and provide precedents for size of space proposed - may require area to be increased
2. Confirm SUDs is deliverable with external levels and planting
3. Test level change to existing public realm edges - show maximum and minimum levels plus ramps to accessible gradients
4. Set repeating gables and full height windows as key principles in DAS to guide all future reserved matters applications
5. Amend indicative elevations and parameter to include balconies to all flats in accordance with the SPG
6. Confirm orientation of single aspects flats
7. Restrict vertical deviation at north to maximum of 5 storeys as shown in indicative scheme
8. Amend vertical deviation to show repeating gable requirement
9. Omit horizontal deviation zone for Kings Road and Ice House Square
10. Set minimum parameter areas for communal gardens and A3 terrace
11. Amend horizontal deviation zone at South West
12. Clarify parameter extent of commercial and residential active frontages
13. Address all forms of movement in parameters plan
14. Provide Green Infrastructure parameters plan

In addition to the above, it is important that flood risk and land contamination constraints are satisfactorily addressed.

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

**Final Placemaking Comments**

The amended proposals have been assessed with the following placemaking comments:

On the basis that the description of development does not cap the quantum of homes, then this should be clarified for the outline application via a planning condition.

The updated Design and Access statement includes testing of the 200 sqm commercial space and provides a precedent example of a similar size footprint. This confirms that the proposed commercial space can accommodate typical back of house facilities such as WCs, kitchens with sufficient space for trading space/ covers and that this compact unit will therefore create viable active frontage onto Ice House Square. Therefore the proposed commercial unit is acceptable.

The updated DAS provides testing of the SUDs strategy to clarify how the proposed permeable surfacing works with the proposed external steps and ramps. This is acceptable for the outline planning stage and will be addressed in detail at the Reserved Matters stage and via the separate Sustainable Drainage approval process.

The amended Green Infrastructure Parameters plan highlights that two street trees are proposed to be removed to accommodate a new drop off layby adjacent to the residential entrance. The supporting Tree Report confirms that these trees are category C condition which means that the Tree Replacement Standard set out in the relevant SPG does not apply. However the applicant does propose replacement planting and this can be agreed via condition.

It is understood that a contribution to offsite play provision has not been requested on the basis that the past S106 for development around Prince of Wales Dock included a financial contribution for play areas and these are currently being designed by the Council for implementation soon.

The updated Design and Access Statement confirms that the external ramps can meet the relevant accessible gradients and the final designs can be resolved at Reserved Matters Stage.

The updated Design and Access Statement provides sections through the existing street/ Ice House Square and shows the proposed internal floor level. This indicates that the maximum upstand will be circa 42-63cm higher than existing external levels which is considered acceptable to address flood risk whilst ensuring active frontage and reflecting the upstand already present in many previous develops around the Prince of Wales Dock.

The updated Design and Access Statement and parameter plans sets repeating gables as a key placemaking principle to ensure this is carried through into future Reserved Matters applications.

The updated Design and Access Statement plus amended drawings now shows balconies to all upper floor flats. The area of the balconies meets the sizes set in the Placemaking Guidance for Residential Developments SPG. Therefore the amenity and wellbeing of residents is now adequately addressed in this high density development and this is carried through into parameter plans to ensure the balconies are delivered at the Reserved Matters stage.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

The updated DAS highlights that approx. 1/3 of flats are dual aspect with a further 1/3 east facing and 1/3 west facing. Plus the DAS confirms that every flat will have full height windows to maximise outlook and natural lighting.

The updated Design and Access Statement plus amended drawings now shows planted privacy buffers for ground floor flats onto Kings Road. Therefore the amenity and wellbeing of residents is now adequately addressed in this high density development and this is carried through into parameter plans to ensure the balconies are delivered at the Reserved Matters stage.

The Parameters plans have been amended as follows:

The vertical deviation parameters plan has been amended to limit the scope to vary scale onto Ice House Square which addresses the more sensitive setting of listed buildings.

The horizontal deviation parameters plan has been amended to remove the extent of variation onto Kings Road and Ice House Square, thereby ensure sufficient set back from these areas for circulation and spill out. Plus the amendment also removes the scope to infill adjacent to the pumping station. This is acceptable to fix a footprint that responds positively to the site context and public realm areas.

The land use parameters plan has been amended to confirm active frontages and communal spaces

The access parameters plan has been amended to address all forms of movement including ramps.

A Green infrastructure Plan has now been provided which confirms the minimum size of residents courtyards, the inclusion of privacy buffer areas and residential/ commercial active frontages.

Therefore it is considered that all placemaking aspects have been positively addressed and approval is recommended subject to the following conditions:

- Condition to limit quantum of development up to 104 apartments.
- All Reserved Matters applications to be in substantial accordance with the Design and Access Statement plus suite of Parameters Plans.
- Submission of a Placemaking Compliance document for Reserved Matters to explain compliance with the approved outline placemaking framework and clearly justify any divergence.
- Composite Sample panel to be constructed on site
- Large scale details of:
  - Residential entrances;
  - Typical window in opening;
  - Typical Juliette balcony opening, doors and balustrade;
  - Roof edges and verges;
  - Rain water goods;
  - Path edge/ upstand/ ground floor balustrade;
  - All vents, louvres;
  - Commercial frontage

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

## **PLANNING APPRAISAL**

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 Amenity;
- Highways, traffic, car parking, access and pedestrian movements;
- Flood Risk & Drainage Strategy.

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

### **Development Plan Policy and Supplementary Planning Guidance**

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

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

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

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

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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

Planning Policy Wales (PPW) 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.

Paragraph 1.2 explains that 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. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

Paragraph 3.3 states 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. 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.



## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

Paragraph 3.4 notes that 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.

### **Adopted Swansea Local Development Plan 2020-2025**

LDP - PS1, PS2 and PS3 - Sustainable Places, Placemaking and Place Management, and Sustainable Housing Strategy provide for the delivery of new housing within sustainable communities locations within defined settlement boundaries of the urban area and development should enhance the quality of places and spaces and should accord with relevant placemaking principles. The Sustainable Housing Strategy set out in Strategic Policy PS3 includes creating new neighbourhoods at Strategic Development Areas (SDAs) within, and on the edge of, established settlements.

This site is located within one of these SDAs identified in Policy SD 1, SD K Fabian Way Corridor, and the site includes a range of existing mixed commercial, residential, and employment areas. The policy identifies that SA1 Swansea Waterfront area has a masterplan linked to an existing planning consent that sets out uses for specific plots and capacities for various land uses.

### **SA1 Planning History**

As outlined above, the SA1 Swansea Waterfront Development was originally outline planning permission under Ref: 2002/1000 for the mixed use development at and which established the principles of the development through the Development Framework and Land Use Masterplan. The permission was varied under the Section 73 permission - ref:2008/0996 - which essentially sought to allow changes for the timing of the programme of phasing, and a review of the approved Land Use Masterplan and the Design and Development Framework. The SA1 Masterplan was amended further under the more recent Section 73 application approved under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart.

The SA1 Masterplan establishes the land uses and scale parameters under the outline permission, and in respect of Plot B3, the site designated for primarily for residential development with a commercial unit overlooking Ice House Square with building heights ranging from 3 storey at the southern end extending to 11 stories over the main plot. Moreover, again as outlined above, the planning permission granted under ref: 2006/0499 for the construction of the residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements was implemented in 2008 and as such benefits from the extant permission.

### **Affordable Housing**

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. LDP Policy H2 seeks to deliver a minimum 3,310 affordable homes over the Plan period by setting targets for on-site provision of affordable housing to be delivered as part of residential proposals where appropriate and viable. Whilst LDP Policy H3 states that proposals include residential development on sites within settlement limits with capacity for 5 or more dwellings should provide affordable housing on site at the following target percentages, subject to consideration of the financial viability of the proposal.

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

However, in respect to the SA1 Swansea Waterfront mixed use development area, the Section 106 Planning Obligation completed in August, 2003 under the original outline planning permission 2002/1000 requires a phased programme of affordable housing up to a total of 10% of the total number of residential units within the Development. The completed residential development to date has been in accordance with this requirement, albeit the approved developments have not all incorporated a planning restriction to this effect and have been reliant on the Registered Social Landlords (RSL) developments to meet this requirement. This has been a deliberate policy objective in order to allow the private market housing to achieve a higher design quality.

It is considered appropriate that this current proposal makes a 10% affordable housing provision in accordance with the SA1 Swansea Waterfront Section 106 Planning Obligation. This position would be consistent with the decision to provide 10% affordable housing on the other adjacent development plots. Securing a 10% affordable housing provision would contribute to the delivery of the phased programme of the overall affordable housing provision within the SA1 development and would accord with the aspirations of Policy HC3 which seeks to negotiate the inclusion of an appropriate element of affordable housing and it is appropriate that this is tied to the planning permission via a Section 106 Planning Obligation.

### **Principle of Development**

The site is situated within the SA1 Waterfront Area of Swansea, with the approved outline planning permission and the accompanying masterplan for SA1 shows that Plot B3 is designated primarily for residential development with the small ground floor commercial unit and establishes the principle of residential development in land use and the scale of the development up to eleven stories. The proposed development is therefore in accordance with the land use, general scale and massing terms in terms of building height parameters set out on the outline Masterplan. The proposal would also provide affordable housing, that will make a meaningful contribution to the housing requirement and the identified requirement of 3,310 affordable dwellings within the LDP plan period. The development is policy compliant scheme in terms of LDP Policies SD:K, PS 1 and PS 2 and would also provide valuable affordable housing in accordance with Policies H2 and H3.

### **Placemaking and Assessment**

LDP Policy PS2 stress the importance of Placemaking and Place Management and provides the context of the detailed layout. 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 adopted Placemaking Guidance for Residential Development SPG provides important guidance on how the key placemaking objectives and policy requirements that are set out in the development plan and national policy should be integrated into proposals. The proposed scheme has been assessed having regard to the above by the Council's Placemaking and Heritage Officer having regard to key subject headings as set out in the relevant adopted SPG.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

As outlined, the site is within a sustainable location within the SA1 Swansea Waterfront and there are a number of local facilities within walkable distance. The scheme has an urban density which is welcomed for this dockside regeneration location, and the proposed scale is in accordance with the guidance within the SA1 Masterplan. The site lies within an existing street network with Kings Road acting as north-south tree lined spine street accommodating all travel modes. The River Tawe riverside walkway is also a key pedestrian access route.

In townscape terms, the indicative proposal predominantly has 4 storey scale running parallel to Kings Road stepping up to 5 storeys onto Ice House Square and 6 storeys as an intermediate cross wing to break up the linear mass. The extant approved scheme for this site comprised 4 storeys onto Ice House Square stepping up to 11 storeys in the south. The current proposal is considered to be an acceptable urban scale in accordance with the SA1 masterplan. The elevations incorporate robust brick finishes referencing the SA1 heritage buildings such as J Shed and Ice House which accords with the outline masterplan design code. The repeating gable form references typical dockside architecture which is a key placemaking principle and this is welcomed.

The updated Design and Access Statement (DAS) provides sections through the existing street/ Ice House Square and shows the proposed internal floor level. This indicates that the maximum upstand will be circa 42-63cm higher than existing external levels which is considered acceptable to address flood risk whilst ensuring active frontage and reflecting the upstand already present in many previous develops around the Prince of Wales Dock. The updated DAS also includes testing of the 200 sqm commercial space and provides a precedent example of a similar size footprint and this will create a viable active frontage onto Ice House Square. The land use parameters plan has been amended to confirm active frontages and communal spaces and therefore the proposed commercial unit is acceptable. The horizontal deviation parameters plan has been amended to remove the extent of variation onto Kings Road and Ice House Square, thereby ensure sufficient set back from these areas for circulation and spill out. Plus the amendment also removes the scope to infill adjacent to the pumping station. This is acceptable to fix a footprint that responds positively to the site context and public realm areas.

The provision of balconies is a key requirement of the adopted Placemaking Guidance for Residential Developments SPG. The updated DAS and amended drawings now shows balconies to all upper floor flats. The area of the balconies meets the sizes set in the Placemaking Guidance for Residential Developments SPG. Therefore the amenity and wellbeing of residents is now adequately addressed in this high density development and this is carried through into parameter plans to ensure the balconies are delivered at the Reserved Matters stage.

The updated DAS highlights that approx. 1/3 of flats are dual aspect with a further 1/3 east facing and 1/3 west facing and additionally every flat will have full height windows to maximise outlook and natural lighting. The updated DAS shows planted privacy buffers for ground floor flats onto Kings Road. Therefore the amenity and wellbeing of residents is now adequately addressed in this high density development and this is carried through into parameter plans to ensure the balconies are delivered at the Reserved Matters stage. The Green infrastructure Plan confirms the minimum size of the residents courtyards.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

The separation to the existing flats in the Altmar Building on the east side of Kings Road is mainly 20m increasing to 27m at the north end. This is in accordance with the Placemaking Guidance for Residential Developments and provides the acceptable privacy separation across public realm areas. In this instance the separation of mainly 20m is considered acceptable given the urban context and with reference to the extant approved scheme for this site. This separation across the street between apartments is consistent with other areas of SA1 and the Swansea Point area.

Within a 300m distance of the application site there are a number of designated heritage assets that have a visual setting relationship with this site as follows. This is assessed in detail in the Heritage Officer's comments above and overall it is not considered that the proposal would not harm the setting of the listed buildings nor the Maritime Quarter conservation area on the opposite side of the River Tawe.

Therefore it is considered that all placemaking aspects have been positively addressed with conditions recommended to limit quantum of development up to 104 apartments; the Reserved Matters applications being substantially in accordance with the Design and Access Statement plus suite of Parameters Plans; and the submission of a Placemaking Compliance document for Reserved Matters to explain compliance with the approved outline placemaking framework and clearly justify any divergence.

### **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.

Access to the site will be via an existing side road that forms a priority junction with Kings Road and a Transport Statement (TS) has been submitted with the application assess trips likely to be generated. This has been assessed by CCS Highways and having regard to the previous extant consent for 91 units then it is not considered that the additional trips generated by the extra 13 units will have any impact on the safety of the network. Initial concerns were raised by Highways in respect of the ramp access to the basement however following the submission of the Highways Technical Note it is indicated that the roll over gradients at either end of the ramp have been reduced to 1:20 and comply with CCS Highways requirements.

A layby is proposed on Kings Road to allow for refuse collections and delivery vehicles etc. in order to provide maintenance/servicing of the development. Concerns have been expressed about the size of the layby and swept paths have been provided to demonstrate that a refuse lorry can pull into a new parking bay fronting the site on Kings Road opposite a series of parking bays for loading only and disabled parking.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

The applicant has now provided vehicle tracking to demonstrate the accessibility of the loading bay, this shows the layby is safe and useable. The existing TRO will require amendment to permit loading at this location, given that King's Road is not currently adopted highway this will need to be secured by Grampian condition which will prevent beneficial occupation until such time as the highway works are complete.

The amended basement layout provides a total of 93 car parking spaces with 6 spaces are shown as being intended for disabled users with 18 spaces are shown for EV which is acceptable, currently the advised minimum provision is 10% of the total spaces. As highlighted in the Highways response above, the quantum of car parking provision now stands at one space per unit on the basis of the site scoring seven points through the sustainability appendix to justify a reduction of one space per unit subject to a minimum of one space per unit. The document further makes representation that social housing historically has lower car ownership, and also using census figures from 2011 to show that 35% of ward dwelling owners do not own a car. It is of relevance that it was previously accepted before as an appropriate parking level given the site location. Cycle storage is shown on the ground floor plan layout. The parking spaces have been increased in size to our standard 2.6 x 4.8m, this has resulted in a reduction to 93 spaces and an overall parking ratio of 90%. Given the sustainable location this is acceptable.

Additionally, the current Future Wales / PPW guidance on car parking is relevant:

*FW Policy 12....Planning authorities must plan the growth and regeneration of the National and Regional Growth Areas to maximise opportunities arising from the investment in public transport, including identifying opportunities for higher density, mixed use and car free development around metro stations.*

*Active travel must be an essential and integral component of all new developments, large and small. Planning authorities must integrate site allocations, new development and infrastructure with active travel networks and, where appropriate, ensure new development contributes towards their expansion and improvement.*

*Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time....*

Planning Policy Wales also advises that in respect of Car Parking:

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

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



**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

Therefore, the site forms part of the wider SA1 development area, which whilst located outside of the City Centre 'Core', aims to create a walkable neighbourhood on whereby the streets and spaces are designed to promote the use of walking, cycling and public transport. Given the accessibility of amenities within the locality, it is unlikely that not all future residents will have need of a private car. It is also contended that the SA1 developments need to accommodate a certain number of units to achieve the required scale of development (in accordance with Masterplan) and the provision of car parking guidelines resulting in a car dominated layout would detrimentally affect the required high design quality. Additionally, in respect of car parking, the SA1 Design & Development Framework advises that parking should be concealed within courtyards / undercrofts; limit car parking numbers on individual plots to the minimum necessary for viability; provide general public parking on strategic located plots.

Given this, it is considered that a reduced car parking provision is appropriate and will not result in any overspill parking that could be detrimental to highways safety. It is therefore considered that, on balance, the scheme is compliant with the Parking Standards SPG and Policy T6 due to its highly sustainable location and unique factors.

### **Drainage and Flood Risk**

The application is accompanied by a Flood Consequences Assessment to assess the suitability of the proposed development and describes the flood mitigation measures recommended to appropriately manage flooding at the site and follows Welsh Government guidance on development and flood risk set out in Technical Advice Note 15: Development and Flood Risk (TAN-15). A topographic survey indicates the site has a minimum site elevation of 5.43m AOD and a maximum of 7.05m AOD.

The development has been developed to address flood concerns and the finished floor level (FFL) of the ground floor has been raised above surrounding ground levels, to a level of 7.75m AOD. The vehicle entrance to the basement will be protected by a mechanical flood barrier across the entrance to the basement. This barrier will be designed to operate automatically to seal off the basement during an extreme tidal flood event.

Technical Advice Note 15 (TAN-15), introduced by the Welsh Government in 2004, provides technical guidance relating to development planning and flood risk in Wales. An update for TAN-15 was released in October 2021 and was due to come in force on the 1st December 2021. However, Welsh Government subsequently suspended the implementation of the new TAN-15 initially until 1st June 2023, although this has now been put back to later in 2023. Although the new TAN-15 is not a material consideration, Welsh Government and NRW advise that some consideration is given to the draft Flood Map for Planning (FMfP) as best available information. Therefore, where a site is located in a FMfP flood risk zone it is recommended that an FCA is carried out and as a result of the above, both the Development Advice Map (DAM) and the FMfP are considered as part of this FCA.

Residential development is considered to be Highly Vulnerable Development under TAN-15. The DAM map shows that the site is predominantly located in Zone A. Zone A identifies areas considered to be at little or no risk of fluvial or tidal/coastal flooding. The Zone is used to indicate that the justification test is not applicable and there is no need to consider flood risk further. A small area around the northern edge of the site boundary falls within Zone C2, which is described as areas of the floodplain without significant flood defence infrastructure.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

Highly vulnerable development is not typically considered to be acceptable in Zone C2. The FCA questions the accuracy of this assessment having regard to previous development and temporary site levels.

The new TAN-15 will replace the DAM with the Flood Map for Planning (FMfP), which shall define the appropriate planning actions under the new TAN-15 when it comes into effect. Whilst the new TAN-15 is not a material consideration until implemented, it does illustrate the current policy thinking of Welsh Government and in some cases the FMfP may constitute best available information. Consequently, information on the FMfP is provide for information only. The entire site would be located within Flood Zone 3 for the Flood Map for Planning.

The FCA has detailed flood modelling to assess the risks of fluvial and tidal flooding to the site. The assessment is informed by the latest Welsh Government guidance for climate change over an assumed 100 year lifetime of development. The development has been carefully developed to address flood concerns with the finished floor level (FFL) of the ground floor has been raised above surrounding ground levels, to a level of 7.75m AOD. The flood modelling demonstrates that the proposed development shall be flood free in all TAN-15 design events and will not increase flood risks elsewhere. The FCA also recommends that a Flood Response Plan should be developed and maintained by the building management team to ensure that building occupiers and users are aware of the flood risk and know what action to take in the event of receiving a flood warning. At a minimum, the flood emergency plan should cover adequate flood warning, evacuation, and access/egress routes in the event of flooding for the lifetime of the development.

The finished floor level of 7.75m AOD will also conform to the SA1 outline permission (ref: 2015/1584) which indicates that each phase of the development must have regard to the recommended finished floor levels (ffl) within the Environmental Statement Addendum. Whilst the Addendum recognises that there is an existing flood risk to the wider SA1 development area, it proposes that finished floor levels for residential buildings should be 7.50m AOD, which would be in accordance with TAN15 - Development and Flood Risk (2004).

The application is accompanied by a Drainage Strategy which sets out how it is proposed to satisfy the SuDs requirements. Surface water from the site will discharge to the River Tawe at an unrestricted discharge rate, the drainage system will be sized accordingly to accommodate this. As the proposed development is restricted in terms of size, it is not possible to include multiple green surface SuDS assets such as swales, ponds, or detention basins. Multiple benefits can still however be recognised through the proposed bioretention features and green podium/permeable podium shown within the strategy. Flows from the podium are to discharge directly off site along with the permeable paving and voided subbase lined with an impermeable membrane. Permeable paving will be used at the ground level parking access road and footways to provide the mitigation required to these areas.

Foul drainage will discharge unrestricted to the foul sewer within Kings Road via an existing Welsh Water manhole. A sewer survey is required to determine the depth of the proposed connection points. The survey will also establish the location of any existing drainage within the holistic site boundary that could provide an alternative outfall location.

**Item 2 (Cont'd)**

**Application Number:**

2023/0357/OUT

**Landscaping / Green Infrastructure and Ecology**

Policy ER 2 (Strategic Green Infrastructure Network) of the adopted LDP requires new developments to protect and enhance existing green spaces and the connectivity of the County's multi-functional Green Infrastructure (GI) network. Furthermore, one of the key underlying principles of placemaking, as set out within Policy PS 2 (Placemaking and Place Management) is for developments to integrate efficiently with the County's GI network. Policy ER 9 requires development proposals to maintain, protect and enhance ecological networks and features of importance for biodiversity.

The proposals incorporate planting within the soft landscaping areas, throughout the development, which seeks to contribute towards the urban greening of the area by providing multi-functional spaces for recreation and biodiversity. As there are limited existing GI features on the site itself, the landscaping scheme will provide a significant betterment in terms of contributing towards the GI network and placemaking of the area.

The landscaping scheme includes planting within the podium areas and to the perimeter of the apartment block. These areas will be multi-purpose, providing shared amenity space for residents and habitat for birds, insects and other animals. Whilst the scheme requires the removal of a single existing tree along Kings Road Langdon Road to allow vehicular access into the development, this is category C tree and its loss will be compensated for elsewhere in the development.

As such, it is considered that the development proposals comply in full with Policies ER 2, ER9 and PS 2 in respect of Green Infrastructure when considered in the wider context.

**Contamination**

Reference has been made in the submitted representations regarding site contamination. The LDP constraints Map identifies the site as lying within an area of Historic Contaminated Land associated with the past industrial uses at the site and due to the industrial history of the proposed site, NRW have asked for the Preliminary Risk Assessment / Verification Report / Long-term monitoring & Unsuspected contamination conditions to be applied to any planning permission granted. However, this is not envisaged to be a constraint to development given that the site has been identified as being suitable for residential development under the outline planning permission which was accompanied by a SA1 wide contamination risk desk-study, and adjacent sites having being successfully developed for such use.

**Conclusion**

The site is situated within the SA1 Waterfront Area of Swansea, with the approved outline planning permission (ref. 2015/1584) and the accompanying masterplan for SA1 (varied through 2015/1584) shows that Plot B3 is designated primarily for residential development with the inclusion of the commercial element and establishes the principle of residential development in land use and the scale of the development up to 11 stories is in accordance with the SA1 Masterplan and the proposal is therefore appropriate in general scale and massing terms in terms of building height parameters set out on the outline Masterplan. The proposal includes a full provision of affordable housing, that will make a meaningful contribution to the housing requirement and the identified requirement of 3,310 affordable dwellings within the LDP plan period.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

The layout has been designed in accordance with the Placemaking Guidance for Residential Development Design Guide and careful consideration has been given to the character of the area, the residential amenities of existing and future occupiers. The proposals will not adversely affect highway safety or other interests of acknowledged importance and on this basis, it is considered that the proposed development accords with relevant national and local planning policy and planning guidance.

The development is policy compliant scheme in terms of LDP Policies SD:K, PS 1 and PS 2 and would also provide valuable affordable housing in accordance with Policies H2 and H3.

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

### RECOMMENDATION:

**APPROVE subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the following clause:**

#### Affordable Housing:

- **10% affordable housing on-site in line with LDP Policy. The AH units will need to be WDQR Compliant (or equivalent), and delivered in the mix of property sizes/types and affordable tenures as indicated in the application. The design and specification of the affordable units will be equivalent quality to those used in the Open Market Units.**

**If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS2, H2, H3, and IO1 of the Swansea Local Development Plan 2010 - 2025**

1 The proposed development shall be substantially implemented in accordance with the following approved plans, Parameter Plans, Design and Access Statement (and Addendum) and documents:

- C883KRS-CTA-XX-RF-DR-A-07100 rev P01 Site Location Plan;
- SY712-000-0000 Site Context Plan;
- SY712-000-0001 Landscape Strategy Plan;
- SY712-000-0101 Section AA - received 13 February 2023;
- SY712-000-0101 General Arrangement - Section AA received 14 Feb 2023;
- 1173-ACE-ZZ-XX-DR-8000\_P06 Drainage Strategy Layout Sheet 1 - GF; 1173-ACE-ZZ-XX-DR-8001\_P05 Drainage Strategy Layout Sheet 2 - Basement;
- 1173-ACE-ZZ-XX-DR-8010\_P02 Permeable Paving Typical Detail;
- 1173-ACE-ZZ-XX-DR-8020\_P01 Extent of Permeable Paving;
- C883KRS-CTA-XX-XX-DR-A-07400-P02 Parameter North-East & North-West Elevation;

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

- C883KRS-CTA-XX-XX-DR-A-07401-P02 Parameter South-East & South West Elevation;  
C883KRS-CTA-XX-ZZ-DR-A-07300-P02 Parameter Plan Vertical Limits of Deviation - Minimum;  
C883KRS-CTA-XX-ZZ-DR-A-07301-P02 Parameter Plan Vertical Limits of Deviation - Maximum;  
C883KRS-CTA-XX-ZZ-DR-A-07302-P02 Parameter Plan Horizontal Limits of Deviation - Maximum;  
C883KRS-CTA-XX-ZZ-DR-A-07303-P02 Parameter Plan - Green Infrastructure & Land Use;  
SY712-100-0001 General Arrangement - Landscape Plan; - received 29 March 2023.
- 27 Apr 2023 C883KRS-CTA-XX-ZZ-DR-A-07304 REV P03 Parameter Plan - Vehicular Access - received 27 April, 2023.

which set out the vision, objectives, urban design principles, development strategy, masterplan, accessibility and movement, scale, quantum of development, building concept, infrastructure, environmental sustainability and structural landscaping principles of the development.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans and to ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National advice and guidance and Swansea Local Planning 2010-2025 Policy PS2.

- 2 The proposed development hereby approved shall be limited to a maximum quantum of 104 apartments.  
Reason: To ensure that the site is developed in accordance with the Parameter Plans and to a high standard of sustainable urban design in accordance with Swansea Local Development Plan (2010-2025) Policies SD2 and PS2.
- 3 Applications for the approval of the details of the means of access, appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') for the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins. Any reserved matters application shall be supported by a Design and Access Statement and shall accord with the Parameters Plans and related plans referred to in Condition 1 of this planning permission and shall explain the compliance of the development with the placemaking principles of the development hereby approved. Development shall thereafter be carried out as approved.  
Reason: To ensure that the development corresponds to the approved development; and to ensure the development is carried out with best practice in relation to design and the built environment in accordance with Swansea Local Development Plan (2010-2025) Policy PS2.
- 4 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.



## Planning Committee – 6<sup>th</sup> June 2023

### Item 2 (Cont'd)

Application Number:

2023/0357/OUT

- 5 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 6 Notwithstanding the submitted Landscape Strategy Plan and Landscape Plan, a detailed landscaping scheme for the site shall be submitted as part of the reserved matters and the scheme as approved shall be carried out in accordance with the approved scheme. The landscaping shall follow the principles outlined in the Design and Access Statement and the Green Infrastructure Parameter Plan and shall include details of soft planting, external surfaces and boundary treatments / enclosures. Any trees, shrubs or plant material which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved landscape design principles for the site in accordance with Swansea Local Development Plan (2010-2025) Policy PS2.
- 7 A landscape and public realm management plan for the development including management responsibilities and maintenance schedules for all landscaped / public realm areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of any phase of the development. The landscape management plan shall be carried out as approved.  
Reason: To ensure that the landscaped areas are adequately maintained in the interests of visual amenity in accordance with Swansea Local Development Plan (2010-2025) Policy PS2.
- 8 The reserved matters application shall be accompanied by details of the existing ground levels and proposed floor levels for the development indicating the relationship to the adjoining land and public highway. The finished floor level (FFL) of the ground floor shall be set at a minimum level of 7.75mAOD. The development shall be carried out in accordance with the approved details.  
Reason: To enable the reserved matters application to be properly assessed to ensure that the work is carried out at suitable levels in relation to the adjoining land and in order to minimise the flood risk in accordance with Swansea Local Development Plan (2010-2025) Policies PS2 and RP5.
- 9 Prior to the commencement (excluding excavation, site preparation and enabling works) of the relevant part of the development, 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. 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 pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.  
Reason: In the interests of protecting the character and appearance of the locality in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

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

- Residential entrances;
- Typical window in opening;
- Typical Juliette balcony opening, doors and balustrade;
- Roof edges and verges;
- Rain water goods;
- Path edge/ upstand/ ground floor balustrade;
- All vents, louvres;
- Commercial frontage

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

Reason: In the interests of protecting the character and appearance of the locality in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

11 Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of each site shall be submitted to and approved, in writing, by the Local Planning Authority:

- A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination of the site.
- A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The site investigation results and the detailed risk assessment (2) and, based, on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the safety of future occupiers is not prejudiced, to ensure the protection of controlled waters, to prevent unacceptable risks from contamination and to accord with Policies RP1 and RP6 of the of the Swansea LDP (2010-2025).

12 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to control water have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with Swansea Local Development Plan 2010-2025 Policies RP4 & RP6.

- 13 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with Swansea Local Development Plan 2010-2025 Policies RP4 & RP6.

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

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated in accordance with Swansea Local Development Plan 2010-2025 Policy RP6.

- 15 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in accordance with Swansea Local Development Plan 2010-2025 Policies RP4.

- 16 Prior to commencement of the relevant part 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.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

The submitted plans shall contain an assessment of vibration with regard to the neighbouring properties and the piling or any 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 occur for neighbouring premises and in order to assess the potential for pollution of controlled waters from inappropriate methods of piling in accordance with Swansea Local Development Plan 2010-2025 Policies PS2 & RP4.

17 Prior to the commencement of any part of the development, including any excavation or site clearance works, a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

As a minimum we recommend the plan should include:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off.
- How the water quality of the watercourses will be monitored and recorded.
- What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals
- construction compounds, Offices etc. and the parking of vehicles of site operatives and visitors;
- measures to control the emissions of dust, dirt and noise during demolition and construction;
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- identification of any buried services, such as foul sewers, so that they are protected
- details of emergency contacts, for example Natural Resources Wales' Pollution Hotline.
- Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoardings;
- wheel washing facilities;
- the hours of work during the construction phase of the development including the traffic delivery movements into and out of the site.

Reason: In order to prevent pollution controlled waters and the wider environment, protect the residential amenities of the area, to secure the satisfactory development of the site and to minimise traffic impacts on the surrounding highway network in accordance with Swansea Local Development Plan 2010-2025 Policies PS2 & RP4.

## Planning Committee – 6<sup>th</sup> June 2023

### Item 2 (Cont'd)

Application Number:

2023/0357/OUT

- 18 Prior to the beneficial occupation of any part of the development, the vehicular layby and associated highway works on Kings Road shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: To allow the proper consideration of all details in the interests of highway safety in accordance with Swansea Local Development Plan (2010-2025) Policy T5.
- 19 Prior to the beneficial occupation of any part of the development, a Car Parking Management Plan (including cycling provision) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be occupied in accordance with the approved plan and no part of the development shall be brought into beneficial use until the car parking and secure cycle facilities have been laid out and are available for use. All car park spaces shall be laid out to minimum dimensions of 4.8m long by 2.6m wide.  
Reason: To ensure that the development is provided with adequate car and cycling parking provision in accordance with Swansea Local Development Plan (2010-2025) Policy T6.
- 20 The development shall be occupied in accordance with the submitted Travel Plan and the development shall thereafter take place in accordance with the approved plan.  
Reason: In the interests of sustainability and to reduce the demand for car borne travel in accordance with Swansea Local Development Plan (2010-2025) Policy T2.
- 21 Prior to the beneficial use of any part of the development (including the commercial unit), details of vehicular servicing, including the timing of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular servicing of the site shall thereafter take place in accordance with the approved details.  
Reason: In the interests of highway safety in accordance with Swansea Local Development Plan (2010-2025) Policy T5.
- 22 Prior to the beneficial use of any part of the development, details of a Waste and Refuse Management Plan (to include recycling facilities) 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: In the interests of public safety, to protect future residents amenity and to ensure the management and movement of refuse within the site in the interests of amenity and site safety in accordance with Swansea Local Development Plan 2010-2025 Policy RP10.
- 23 A flood management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of any part of the development commencing. The plan should include flood warning, emergency access/evacuation arrangements and clear responsibilities. The agreed plan shall be communicated to all occupiers of the proposed development, in accordance with details to be agreed by the Local Planning Authority prior to the beneficial occupation of any part of the development commencing.  
Reason: To ensure safe evacuation in the event of a potential flood risk in accordance with Swansea Local Development Plan 2010- 2025 Policy RP5.



## Planning Committee – 6<sup>th</sup> June 2023

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|------------------------|----------------------------|---------------|
| <b>Item 2 (Cont'd)</b> | <b>Application Number:</b> | 2023/0357/OUT |
|------------------------|----------------------------|---------------|
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- 24 Prior to commencement of works to the superstructure, a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.  
Reason: To ensure the site is served by a suitable potable water supply in accordance with Swansea Local Development Plan Policy EU4 (2010-2025).
- 25 The detailed ecological measures as outlined in the Ecological Assessment shall be incorporated as part of the submission of reserved matters into the development and provided prior to any part of the development being occupied in accordance with an Implementation Timetable to be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.  
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).
- 26 Prior to the First Beneficial Occupation of any part of the development, a Sensitive External Lighting Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. A plan showing location, light spill and specification for any proposed lights on the site (during operation) and shall also include dark corridors along the eastern and southern boundaries of the site, to retain foraging and commuting habitats for bats. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: The strategy shall aim to protect bats and other nocturnal species in accordance Policy ER 8 of the Swansea Local Development Plan (2010-2025).
- 27 No development shall take place until a scheme which adequately restricts the flow of sound energy through party walls and floors between the residential units and between the ground floor commercial use within the development have been submitted to and approved in writing by the Local Planning Authority and such works that form part of the approved scheme shall be completed before any part of the premises are occupied. The scheme supplied shall achieve a minimum  $D_{nT,w} + (Ctr)$  of 50dB for the ceiling/floor between the commercial and residential uses and by verified by the appropriate testing methodology upon completion.  
Reason:- To protect the proposed residential use against noise emanating from the commercial activity in accordance with Swansea Local Development Plan 2010 - 2025 Policies PS2 and RP2.
- 28 Prior to the installation of any required external ventilation and fume extraction for the Class A1 / A3 unit within the development, details shall be submitted to and approved 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 the approved methods of ventilation and extraction shall thereafter be retained to serve the use.  
Reason: To prevent any nuisance from fumes and / or cooking odours to the occupiers of neighbouring premises in accordance with Swansea Local Development Plan 2010-2025 Policies PS2, RP 2 & RP3.

## Planning Committee – 6<sup>th</sup> June 2023

**Item 2 (Cont'd)** **Application Number:** 2023/0357/OUT

- 29 The commercial unit shall be used as retail (A1) or Class A3 food and drink - coffee shop, restaurant or cafe bar use and for no other purpose (including any other purpose in Class A3, and shall not be used specifically solely as a hot food takeaway, of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Any hot or cold food and drink takeaway from the unit for consumption off the premises shall be ancillary to the primary A3 usage.  
Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Swansea Local Development Plan 2010-2025 Policies PS2, RP2 & RP3.
- 30 The food and drink (Class A3) premises hereby approved shall not be used by customers before 08.00hrs nor after 23.30hrs on any day.  
Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Swansea Local Development Plan 2010-2025 Policies PS2, RP 2 & RP3.

### Informatives

- 1 1 The development plan covering the City and County of Swansea is the Future Wales - The National Plan 2040 Policies Policy 1 - Where Wales Will Grow; Policy 2 - Shaping urban growth and regeneration - Strategic placemaking; Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership; Policy 7 - Delivering Affordable Homes; Policy 8 - Flooding; Policy 9 - Resilient Ecological Networks and Green Infrastructure; & Policy 28 - National Growth Area - Swansea Bay and Llanelli  
  
and the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: LDP Policies PS1, PS2, PS3, SD1, SD2, SD:K, IO1, H1, H2, H3, HC1, HC2, SI1, S5, SI6, SI8, ER1, ER2, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU2M EU4, RP1, RP2, RP3, RP4, RP5, RP6 & RP10
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 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.
- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

5 Birds may be present on this 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.

6 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

All trenches and excavations shall be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall 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 shall 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/>

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

8 All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

## Planning Committee – 6<sup>th</sup> June 2023

Item 2 (Cont'd)

Application Number:

2023/0357/OUT

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

### 9 1 Construction Noise

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

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

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

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

### 2 Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

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

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

### 3 Dust Control

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

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

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

### 4 Lighting

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

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