



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Planning Committee

**At:** Council Chamber, Guildhall, Swansea

**On:** Tuesday, 2 February 2021

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

**Membership:**

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

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

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### Agenda

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| 1 | Apologies for Absence.   |        |
| 2 | Disclosures of Personal and Prejudicial Interests.<br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a> |        |
| 3 | Minutes.   | 1 - 2  |
| 4 | Items for Deferral/Withdrawal.   |        |
| 5 | Determination of Planning Applications under the Town and Country Planning Act 1990.   | 3 - 22 |

**Next Meeting:** Tuesday, 9 February 2021 at 10.00 am

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

**Huw Evans**  
Head of Democratic Services  
Tuesday, 26 January 2021

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Contact: Democratic Services - 636923

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 12 January 2021 at 2.00 pm

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

**Councillor(s)**

C Anderson  
W Evans  
T M White

**Councillor(s)**

P M Black  
M B Lewis  
L J Tyler-Lloyd

**Councillor(s)**

M H Jones  
R D Lewis

**Officer(s)**

Gareth Borsden  
Ian Davies  
Alan Webster  
Jonathan Wills

Democratic Services Officer  
Development Manager  
Tree Officer  
Lead Lawyer

**Apologies for Absence**

Councillor(s): C Richards, P B Smith and D W W Thomas

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

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

**8 Minutes.**

**Resolved** that the Minutes of the Planning Committee held on 1 December 2020 be approved and signed as correct record.

**9 Provisional Tree Preservation Order - TPO 671 Land adjacent to 42 Llwyn Close, Sketty, Swansea.**

The Head of Planning and City Regeneration presented a report which sought consideration of the confirmation, as a full Order, of the provisional Tree Preservation Order 671, Land adjacent to 42 Llwyn Close, Sketty, Swansea (2020).

The background details and history to the matter and the initial serving of the provisional order in March 2020 were outlined and detailed by Officers. The order covered two trees at the location. It was noted that that the title of the initial order was slightly incorrect as the name of the road should be 'Llwyn Mawr Close' and not 'Llwyn Close'.

The objections received to the provisional order were outlined in the report.

Following the deferral at the meeting in December, officers had issued a further provisional in order to protect the trees.

It was outlined that some minor works had been carried out on one of the trees by qualified professionals following agreement by officers.

David Stanton (objector) addressed the Committee and spoke against the proposals to impose a TPO on the tree. He indicated he wished to protect the tree and had undertaken some works to the tree, which had been approved by officers at considerable expense to himself. He indicated he wished to protect and enhance both the tree and the local environment.

**Resolved** that the Tree Preservation Order Land adjacent to 42 Llwyn Close, Sketty, Swansea (2020), be confirmed with modification of the Title to "Land adjacent to: 42 Llwyn Mawr Close, Sketty, Swansea (2020)."

The meeting ended at 2.27 pm

**Chair**

# Agenda Item 5

City and County of Swansea  
Dinas a Sir Abertawe

Report of the Head of Planning & City Regeneration  
to Chair and Members of Planning Committee

DATE: 2<sup>nd</sup> February 2021

<b>Bay Area</b> Team Leader: Liam Jones - 635735	<b>Area 1</b> Team Leader Andrew Ferguson - 633947	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Cockett Landore Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Llangyfelach Llansamlet Mawr Morrison Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Dunvant Fairwood Gorseinon Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**

Phil Holmes  
BS(Hons), MSc, Dip Econ  
Head of Planning & City Regeneration



## TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Members should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on page 83 of Part 3 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## Contents

<b>Item</b>	<b>App. No.</b>	<b>Site Location</b>	<b>Officer Rec.</b>
1	2020/1473/S73	Land Opposite Lyte Ladders (Formerly Makro), Beaufort Reach, Swansea Enterprise Park, Swansea, SA7 9BB  <b>Construction of 10 units for class B1 and B2 use (variation of condition 02 of planning permission 2014/1872 granted 11th August 2016 to allow for the removal of the 4th arm off the roundabout into the site)</b>	Approve

Planning Committee – 2<sup>nd</sup> February 2021

Item 1

Application Number:

2020/1473/S73

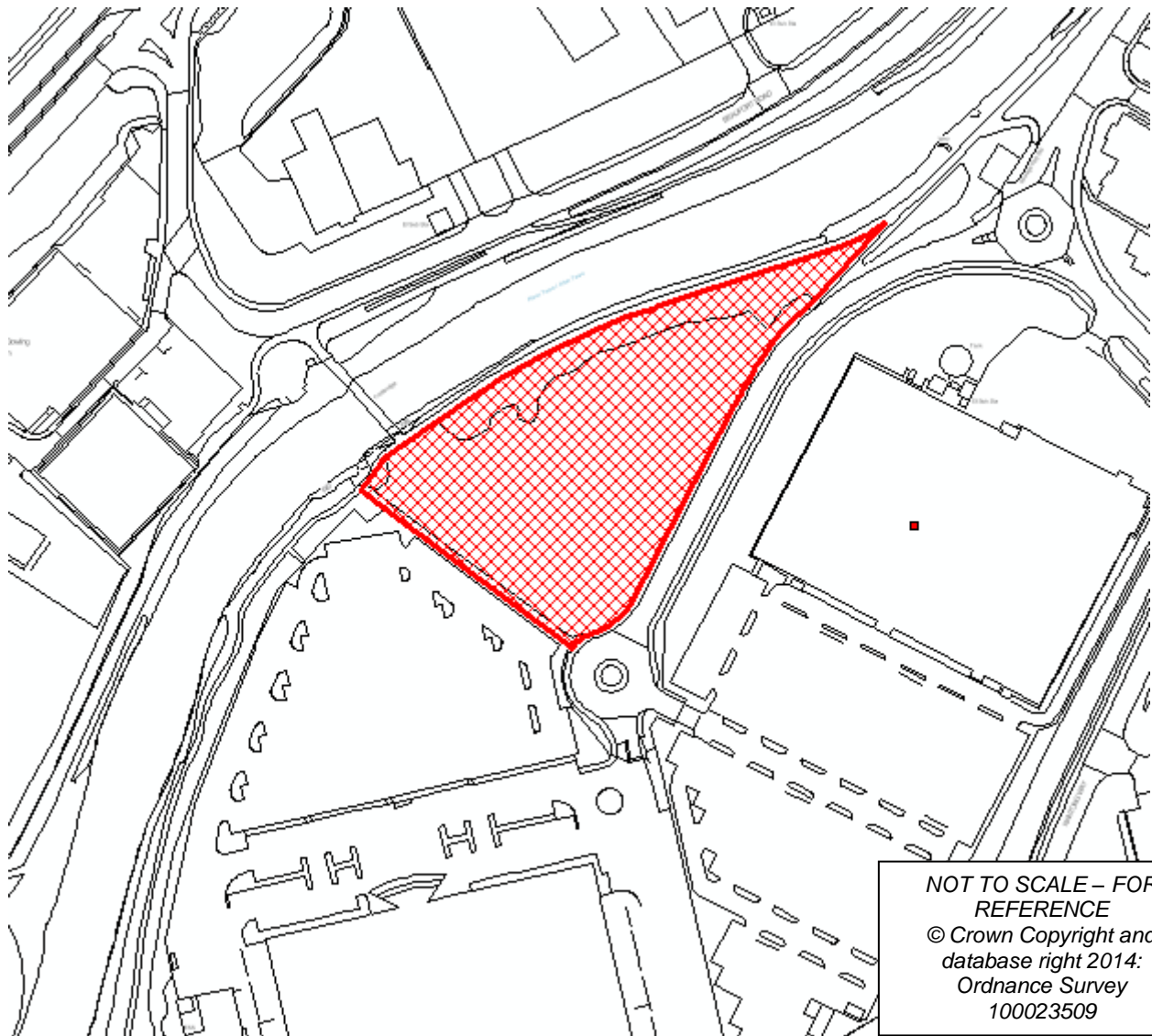
Ward:

Llansamlet - Area 1

**Location:** Land Opposite Lyte Ladders (Formerly Makro), Beaufort Reach, Swansea Enterprise Park, Swansea, SA7 9BB

**Proposal:** Construction of 10 units for class B1 and B2 use (variation of condition 02 of planning permission 2014/1872 granted 11th August 2016 to allow for the removal of the 4th arm off the roundabout into the site)

**Applicant:** Mr Andrew Tipping



## Planning Committee – 2<sup>nd</sup> February 2021

Item 1 (Cont'd)

Application Number:

2020/1473/S73

### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
2017/1501/DOC	Discharge of conditions 7 (drainage) and 9 (ground floor design) of planning permission 2014/1872 granted 11th August 2016	APP	22.01.2018
2020/1473/S73	Construction of 10 units for class B1 and B2 use (variation of condition 02 of planning permission 2014/1872 granted 11th August 2016 to allow for the removal of the 4th arm off the roundabout into the site)	PDE	
2015/1739	Storage facility building (Class B8)	APP	14.12.2015
2015/0572	PRE APP for proposed storage facility building	PREMI X	07.05.2015
2014/1872	Construction of 10 units for Class B1 and B2 use	APP	11.08.2016
2011/0242	Five high level non illuminated fascia signs	APP	03.05.2011
2010/0064	Change of use to include Use Classes B1, B2 and B8 and installation of two industrial doors to the rear elevation	APP	25.02.2010
2009/1673	Change of use to include Use Classes B1, B2 and B8 and installation of two industrial doors to the rear elevation	INV	
2008/1820	Retention of smoking shelter	APP	21.10.2008

#### Background

This application is reported the Planning Committee as the original planning permission under ref: 2014/1872, which this application seeks to vary, exceeds the 2000sqm floor area threshold.



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

'Construction of 10 units for Class B1 and B2 use'

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

Pre-commencement conditions have been discharged and development works have already commenced on site to implement the approved development.

### **Site Location**

The application site comprises an irregular shaped parcel of land measuring approximately 1.05 hectares. The site has been cleared and is covered by a hardsurface. Its boundaries are enclosed by a palisade type fence on all sides. The site borders the River Tawe to the north and its associated cycle/foot path, which is separated from the site by a stand of semi-mature trees. To the south is the Beaufort Reach frontage. Aside from the river frontage the site is surrounded by commercial buildings including a large manufacturing unit to the west (Lyte Ladders) and offices to the south (Virgin Media).

### **Description of Development**

This is a Section 73 application for a minor amendment to the development to alter the access arrangements to the site, namely to delete the proposed 4th arm of the roundabout leading to the site. If approved the development would result in one vehicle access point serving the development in the north eastern portion of the site.

### **Planning Policy**

#### **Planning Policy Wales (10th Edition) 2018**

##### **Good Design Making Better Places**

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

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development.

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**Application Number:**

2020/1473/S73

Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Access and Inclusivity

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

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

Environmental Sustainability

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

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

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

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A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

**Community Safety**

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

**Movement**

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

**Sustainable Transport**

4.1.8 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.

4.1.9 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

4.1.10 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

4.1.11 It is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles. The transport hierarchy recognises that Ultra Low Emission Vehicles also have an important role to play in the decarbonisation of transport, particularly in rural areas with limited public transport services.

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4.1.12 The sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

4.1.13 The sustainable transport hierarchy must be a key principle in the preparation of development plans, including site allocations, and when considering and determining planning applications.

**Ultra Low Emission Vehicles**

4.1.39 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development.

Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. Planning authorities should ensure the level, location and type of charging provision is appropriate to the scheme and local circumstances. Consideration should be given to:

- the time users are likely to be present at the site;
- the number of vehicles accessing the site;
- the number of existing charging points in the immediate and wider area; and
- other proposed emission mitigation measures.

**Car Parking**

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

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

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

**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. Page 11

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Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

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

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

#### Development in Sewered Areas

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

#### Development and Flood Risk

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

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Land Contamination

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

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

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

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

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

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

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

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

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.

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- EU 2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.
- EU4 Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.
- RC 10 Employment and Enterprise Development - Land which is in active, viable employment use is considered part of the County's employment land bank and will be protected for B Class employment generating uses. Proposals outside of these areas will need to demonstrate why the proposal cannot reasonably be located within an existing employment area, or designated Strategic Development Areas having regard to the nature and scale of the scheme.
- RC 12 Office Development - Proposals for significant new office development, in excess of 200 square metres gross floor area, must in the first instance assess the availability and suitability of potential sites within the Swansea Central Area, which is the preferred location for office development. Significant office uses will not be permitted outside the Swansea Central Area unless they meet a specific set of criteria. The alternative use of offices within the Swansea Central Area will only be permitted where the developer can demonstrate that there is no need to retain the site or premises for office use having regard to existing supply and the requirement to provide a range and choice of sites for such use to meet existing and likely future demand.
- 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.

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**Supplementary Planning Guidance (SPG):**

No supplementary planning guidance is considered to relevant to the consideration of this application.

**Consultations:**

**Local Highway Authority:**

"Comments have previously been provided on this application requesting further swept path, visibility information.

The latest submitted information seeks to introduce a one-way system internally which does appear to mitigate the issues raised previously concerning access and servicing to the individual units.

Swept paths and forward visibility are acceptable.

As such the Highway Authority would wish to withdraw its objection to the application.

Subject to the same conditions as previously agreed:

Note:

All access works require an agreement under section 278 of the Highways Act 1980.

The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea , c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or tel. no. 01792 636091"

**Drainage:**

"We have no comments with respect to the change in road alignment, in this rare instance there are no drainage implications in the SAB's view".

**Natural Resources Wales:**

"Flood Risk - The proposal to vary Condition 2 of the existing planning permission (2014/1872), does not appear to materially affect the site, in terms of the flood risk described in the 2015 Flood Consequences Assessment (FCA), which was submitted as part of the original planning application.



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However, whilst the Development Advice Maps (DAM) continue to show that the whole of the site is within Zone C1, the latest Flood Map shows a small area of the site (adjacent to the river) to be within Zone 3, the 1% (1:100 year) annual probability fluvial flood outline of the River Tawe.

While, the majority of the site remains within Zone 2, the 0.1% (1:1000 year) annual probability fluvial flood outline of the River Tawe, neither of these extents take account of climate change.

Therefore, although the 2015 FCA confirmed that the whole of the site was 'flood free' in the 1% event, and thereby complying with the requirement of Table A1.14 of TAN15, this may not now be the case.

As the Local Planning Authority (LPA), you may wish to take this opportunity to confirm any changes in the extent of flood risk to the site, by requesting an updated FCA with the latest available information, which would demonstrate whether the proposal was still compliant with TAN15.

However, given the nature of the current application to vary Condition 2, you may not consider this to be reasonable, in this instance".

#### **Neighbour comments:**

The application was advertised by a site notice. No responses were received to the public consultation.

#### **APPRAISAL**

##### **Main Issues**

Section 73 of the 1990 Act provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

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

The previous planning application was considered against Unitary Development Plan Policies. The planning permission is still extant and the time period to commence development expires in August this year. Notwithstanding this, following a site visit, it is evident that material operations have begun on site, including drainage works and the laying of kerbstones, such that it is considered the development can be regarded as having been commenced. All relevant pre-commencement conditions have been satisfied.

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In this instance, as it appears that works have lawfully commenced on site, the principle of development has now been established, therefore, the main issue for consideration is whether the amended access arrangements would be an acceptable minor amendment in relation to impacts upon visual amenity and highway safety having regard to development plan policies and any other material planning considerations. There are no residential properties within close proximity of the site that would be affected by the development. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Visual Amenity**

The approved development is for a number of commercial/industrial units within an established commercial area on the southern banks of the river Tawe.

The proposal to delete the approved south west access off the existing roundabout would result in only a minor change to the overall visual appearance of the development. The site is not located within a visually sensitive area and, in any event, the deletion of the second access may allow for enhanced landscaping within this area that could improve the visual appearance of the site. Landscaping details have previously been approved therefore it is recommended that a condition is imposed requiring the provision of amended landscaping details to reflect the alterations to the scheme now proposed.

Overall, therefore, in terms of visual amenity, it is considered the proposal would not result in any significant detrimental impacts upon the approved development or the local area and, in visual terms, would amount to a minor amendment that would not conflict with LDP Policy PS2.

### **Access and Highway Safety**

In order to demonstrate that the deletion of south western access point would not result in any significant highway safety impacts the application has been accompanied by a Transport Note to be read in conjunction with the Transport Statement that accompanied the original application.

Having reviewed the submission, and following concerns from the Highway Authority, the applicant has amended the submission drawings to provide a one way system around the site within the approved road network, save for the area to be deleted.

The Highway Authority now consider the access to the site and circulation within the site to be acceptable. On this basis it is considered that the proposed development would not result in any significant highway safety impacts and would therefore accord with LDP Policy T5.

### **Flood Risk and Drainage**

NRW have commented on the application and note the Development Advice Maps (DAM) continue to show that the whole of the site is within flood Zone C1, however, the latest Flood Map shows a small area of the site (adjacent to the river) to be within flood Zone 3 (1% (1:100 year) annual probability fluvial flood outline of the River Tawe) and the majority of the site remains within Zone 2 (0.1% (1:1000 year) annual probability fluvial flood outline of the River Tawe). NRW note that neither of these extents take account of climate change.

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When the last application was considered in 2015 the FCA confirmed the whole of the site was "flood free" in the 1% event and therefore complied with the requirements of TAN15. NRW consider this may not now be the case and have indicated that the LPA may wish to request an updated FCA in order to demonstrate compliance with TAN15. NRW have also stated, given the nature of this minor amendment application, that the LPA may not consider this to be a reasonable request in this instance.

In response to NRW's comments, had this been a new full planning application to develop the site for business units then the submission of an new or updated FCA would have been entirely reasonable and necessary to inform the LPAs assessment of the consequences of flooding at the site. However, as there is an extant planning permission in place that has been implemented, it would not be reasonable, having regard to the minor nature of the proposed amendment, to request the submission of an FCA. On this basis, and having regard to the comments of NRW, it is considered the proposed development would not increase the consequences of flooding over and above the approved development and would therefore not conflict with LDP Policy RP5.

In relation to drainage, as indicated above, drainage works have been implemented on site and condition 7 on the original permission requiring the provision of drainage details has been discharged. The council's drainage officer has not objected to the proposals and considers there are no drainage implications in relation to this application. In view of the planning history at the site, therefore, it is not considered the proposed development would conflict with LDP Policies EU4 or RP4.

**Other Matters**

Under LDP Polices new non-residential planning application of this scale and development type would require the provision of an energy assessment under Policy EU2 and the provision of Ultra Low Emission Vehicle charging points under PPW (4.1.39). Moreover, under LDP Policy RC12 proposals for significant office developments must in the first instance assess the availability and suitability of sites within the Swansea Central Area. The Policy states that significant office uses will not be permitted outside the Swansea Central Area unless they meet a specific set of criteria.

In response to these policy requirements, it is clear from the foregoing assessment that the application for consideration is not a typical new planning application where there would be a requirement for the development to accord with the up to date Policies within the adopted plan and relevant national planning policy. In this instance, the development has already been implemented and remains extant/ live, this proposal seeks for a minor amendment to that consent, it would not be reasonable to request compliance with these Policies as other material considerations are considered to outweigh development plan and national planning policies, not least the valid fallback position that the previous consent could be completed.

The site has been covered in a hardstanding since before the previous planning permission was granted. Moreover as site works have commenced it was not considered necessary in this instance for the application to be accompanied by any ecological surveys. This would be covered by other legislation in any event.

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The application site is located within 500m of a scheduled ancient monument (Landore New Quay), however, due to the intervening built form and substantial vegetation screen along the southern bank of the River Tawe, there would be no intervisibility between the site and this heritage asset. As such is not considered the development would result in an adverse impacts upon any significant heritage assets within the vicinity of the site. On this basis it was not considered necessary to consult Cadw on this application.

Where necessary it is recommended that the planning conditions are varied to take into account: the fact that site works have commenced; to reflect the scheme now proposed and; to reflect the fact that several conditions have already been discharged.

**Conclusion**

The proposed amendment would amount to minor amendments to original scheme and would not result in any harmful visual impacts or highway safety impacts. Accordingly, the development would not conflict with LDP Policies.

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

**RECOMMENDATION**

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

- 1 The development shall be carried out in accordance with the following approved plans and documents:
  - 01 (Site location plan)
  - APC11014-02 Rev. A (External Elevations Looking South East and West)
  - APC11014-03 Rev. A (External Elevations Looking North South and West)
  - APC11014-04 Rev. B (Floor Layouts For Units Nos. 2,3,4,5,7&8 and Typical Section)
  - APC11014-05 (Floor Layouts for Units Nos. 1&10) received 22nd April 2016.
  - 100 Rev.A - Drainage Schematic, received 28th April 2016.
  - FV01 (Preliminary Site Layout Forward Visibility)
  - PL04 (Preliminary Site Layout One-Way System), received 27th November 2021

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

- 2 Within 6 months of the date of this planning permission a scheme for the landscaping of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include the retention of the existing trees and shrubs along the northern boundary within a minimum corridor width of 4m from the tarmac footpath.

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All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of providing a suitable scheme of landscaping to protect the visual amenity of the area and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

- 3 The development shall not be brought into beneficial use until the drainage scheme approved under application 2017/1501/DOC has been completed. The drainage scheme shall thereafter be retained and maintained as approved for the lifetime of the development.

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

- 4 Prior to the first beneficial occupation of the development a flooding management and evacuation plan shall be submitted to and approved in writing the local planning authority. The development shall thereafter be operated at all times in accordance with the approved plan details.

Reason: In order to ensure the flood risk at the site is managed to an acceptable level.

- 5 The ground floor of the buildings hereby approved shall be designed and constructed to be resilient to flooding in accordance with the details approved under application 2017/1501/DOC. The development shall be implemented in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Reason: To ensure the construction of the development has regard to its location within a flood zone.

- 6 Prior to the occupation of any building hereby approved, details of an external lighting scheme for the operational phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interest of ensuring that the development does not have a detrimental impact on the ecology of the area, specifically the woodland corridor on the northern boundary.

- 7 The external finishes for the development shall be as specified on the planning application forms accompanying application 2014/1872 and shall be retained as such for the lifetime of the development.

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

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- 8 The site shall be remediated in accordance with the details and timescales set out in the submitted Geo-Environmental Report dated July 1999. Upon completion of the remedial works or prior to the first beneficial occupation of any part of the development, whichever occurs sooner, a verification report demonstrating completion of the works set out in the Geo-Environmental Report shall be submitted to and approved in writing by the local planning authority.  
Reason: To demonstrate the development has been satisfactorily remediated.
- 9 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 the unsuspected contamination shall be dealt with. The amended remediation strategy shall be implemented in accordance with the approved details.  
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.
- 10 Prior to the first beneficial occupation of any unit hereby approved, cycle parking shall be provided within the development in accordance with adopted cycle parking standards and in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained as approved for the duration of the use.  
Reason: In order to promote alternative modes of transportation.
- 11 Prior to the first beneficial occupation of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall thereafter be implemented in accordance with the approved details and timescales.  
Reason: In order to encourage sustainable modes of transportation.
- 12 A parking management strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of any building hereby approved. The strategy shall indicate how parking provision at the site would be managed during match days at the Liberty Stadium. The management strategy shall be implemented in accordance with the approved details for the duration of the use hereby approved.  
Reason: To ensure parking provision at the development is appropriately managed during match days, when there is increased parking pressure in this area.
- 13 Prior to the commencement of any superstructure works (above proposed ground levels) on site, details of the modification of the bund referenced in the flooding consequences assessment and indicated on Plan No. 100 Rev. A shall be submitted to and approved in writing by the Local Planning Authority. The modification of the bund shall be carried out in accordance with the approved details prior to the first beneficial occupation of any of the units hereby approved and shall be retained in that form for the duration of the use.  
Reason: To ensure the development does not result in increased flood risk elsewhere within the flood catchment

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- 14 Prior to the first beneficial occupation of any unit hereby permitted, the car parking layout as indicated in Drawing No. PL04 shall be clearly laid out on the ground and shall be retained as such thereafter for the parking of vehicles only for the lifetime of the development.

Reason: To ensure adequate on site car parking provision in the interests of highway safety.

**Informatives**

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, ER8, ER9, ER11, T5, T6, EU2, EU4, RC10, RC12, RP4, RP5, RP6.

- 2 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.

- 3 Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Highways Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Highways Authority.

- 4 All access works require an agreement under section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

- 5 The Developer must contact the Highway Management Group , The City and County of Swansea , c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or tel. no. 01792 636091.