

**APPENDIX A**

ITEM 9

APPLICATION NO.

2014/1067

WARD:

Gorseinon

**Location:** Cross Marble and Stone Ltd, Gorseinon Road, Gorseinon, Swansea, SA4 9GE

**Proposal:** Construction of 4.No retail units

**Applicant:** Mr David Jeffreys



**BACKGROUND INFORMATION****POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC8	The development of new retail warehouses will be directed to suitable locations firstly within and then on the edge of existing centres. Where such sites are not available, suitable locations at established retail parks will be considered. (City & County of Swansea Unitary Development Plan 2008)
Policy EC9	Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)

Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS5	Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

## SITE HISTORY

App No.	Proposal
2011/0092	Construction of 4.No retail units Decision: Refuse Decision Date: 01/08/2013
2009/0282	One double sided non-illuminated free standing retail park sign Decision: Refuse Advertisement Consent Decision Date: 31/03/2009
2003/2327	Erection of three attached retail units Decision: Grant Permission Conditional Decision Date: 29/04/2004

## RESPONSE TO CONSULTATIONS

**Swansea Access for Everyone** – There are 27 parking places shown but none for disabled (Blue Badge) use. Parking guidelines require 6% for disabled use. In this case 2 bays suitably marked should be provided.

Council's **Pollution Control** section – No comments

**Welsh Water** – This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area.

A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact that any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore, we seek your Authority's co-operation in imposing the following condition to any grant of planning.

1) No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.

Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected through the implementation of sustainable practices.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

No net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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

**NRW** – We would have no objection to the proposal, but would like to make the following comments.

#### Flood Risk

The site is located within Zone A, as defined by the Development Advice Maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be outside of the flood zones.

The proposal is for four retail units which can be classed as less vulnerable development according to TAN15.

#### Surface Water Discharge

It is proposed to discharge surface water to the main sewers. Whilst we acknowledge that this is an existing connection we would advise that where possible, sustainable urban drainage systems are implemented. We would be in favour of the proposal to install rainwater harvesting on site as shown on the Existing / Proposed Drainage plan, however we would also like to see other SUDs options explored and implemented where possible.

### Foul Water Drainage

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) SAC. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

We would recommend that your Authority consult with Dwr Cymru/Welsh Water to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution. We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or a suitable improvement scheme has been implemented within the same catchment.

The recently agreed revised MOU suggests a ratio of 2:1 is appropriate for small developments such as this. That is, for every 2 parts surface water removed from the system, 1 part foul could connect.

The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, in addition to the Habitats Regulations considerations in respect of Phosphorus, the UK has an obligation under the Water Framework Directive to protect sensitive water bodies from deterioration. We would therefore recommend that a corresponding amount of Phosphorus is removed at the WWTW to that expected to be produced by this development at the time of completion. This would prevent further deterioration in levels of Phosphorus in the Burry Inlet.

It is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system.

### Contaminated Land

We note that this is a brownfield site. Therefore, we advise that your Authority may wish to consider the following condition.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

**Gorseinon Town Council** – No objection, however, Councillors did discuss and raise concern regarding the additional vehicular access point onto the main Gorseinon road in close proximity to the mini roundabout.

**Council's Planning Department's Policy section** – It is noted that this application follows a history of refusal for retail development at the site.

The application site has no formal designation in the UDP (i.e. white land) and forms part of the urban area at Garngoch Industrial Estate, Gorseinon. The site is approx. 600-700m to the east of Gorseinon District Centre.

As per previous proposals for the site, the proposed development would give rise to an A1 retail use without restriction to type or range of goods. Preventing retail development that is likely to have an unacceptable adverse impact on established shopping centres is a key objective of planning policy at both local and national level. Maintaining the health of designated centres across the County is an important means of sustaining communities, supporting existing essential services, co-locating commercial land uses and focussing economic investment within identified retail/commercial hubs. The application site does not lie within any established shopping centre and the abovementioned UDP policies and national guidance make clear that significant new retail proposals in such locations will only be supported if it can be demonstrated that:

- a) there is an identified need (quantitative/qualitative) for the size of store proposed
- b) no suitable sequentially preferable sites exist
- c) there would be no detrimental impact on established centres and stores, and
- d) it is a highly accessible site and can realistically be reached by a choice of means of transport

In respect of the sequential test, the applicant suggests no preferable sites exist within the nearest district centre at Gorseinon. The City Centre is not discussed. The applicant's Assessment of Retail Impact, dated July 2014, seems to suggest that their sequential test is based on units for 'retail warehouse type' operators (para 9.5). The application is not, however, for a defined range of retail goods and as such I would suggest this is an inappropriately narrow focus, particularly given other references in the report to convenience retailing in one or more of the units. Potential operators of the proposed units could in my view locate within the vacant space in the former Somerfield store within the District Centre. This option appears to have been disregarded in the retail impact report (see para 9.4) for the reasons that the proposed out of centre scheme would charge lower rents and that no refurbishment scheme has yet come forward for the building. These reasons are not sufficient in my view to consider this option as unviable, particularly given the relatively short period of time that has elapsed post global economic downturn. Furthermore, a clear and consistent approach by the LPA to resist inappropriate out of centre retail proposals will make clear to the market that investment must be prioritised towards redevelopment of existing in-centre retail space.

Development plan policies and national guidance are clear in their requirement to safeguard against adverse impacts to town centre vitality and viability that could arise from out of centre development. It's in this context that new retail proposals not within existing centres must, as a starting point, demonstrate a need for the scale of provision that is proposed and fully appraise potential impact that could arise. There are a range of potential impacts of the proposed scheme; however measuring this impact is not straightforward in view of the open consent being sought. Impact will clearly vary depending on whether the operation is ultimately for convenience goods, bulky goods, everyday comparison items, etc.

The reference in the applicant's impact report at Para 9.6 to the proposal further consolidating the existing arrangement of retail units to form a de facto centre clearly illustrates why the proposal is of concern for the nearby district centre. The potential is for a rival retail destination to become established for operators that would otherwise co locate within the district centre, thereby ultimately leading to trade draw. The assertion that this would be complementary to the district centre cannot be substantiated, particularly given the open A1 consent being sought.

In terms of quantifying the potential trade draw, the applicant's Assessment of Retail Impact, dated July 2014 sets out a proposed methodology. Whilst I'm unable to provide a technical audit of the robustness of the proposed methodology and the figures used on aspects such as expenditure profiles (retail consultants can advise further on this if required), the use of proposed LDP allocation figures is unlikely to be considered best practice by the industry. The LDP is not adopted and moreover no allocations have yet been formally proposed. There is no certainty as to what the final proposals will be in the LDP, and in any event a number of the proposed growth areas will be developed with supporting uses such as retail provision.

My view is that the impact of the development upon Gorseinon District Centre would be potentially significant by means of consolidating the retail offer at an out of centre location, and the scheme could undermine ongoing efforts to maintain the health of the nearby district centre.

The Head of Engineering and Transportation will provide detailed comments on the highway implications of the scheme and accessibility matters. The requirements of UDP Policies AS1-2 and AS5-6 must be met as a minimum however and I consider it significant that the site is less accessible by a range of travel modes than the highly accessible Gorseinon District Centre and City Centre. Whilst the D&A statement suggests 'the application site can be easily accessed by public transport', there is no information on public transport services provided and a high level appraisal indicates the site is significantly less well connected to surrounding communities than sites within the designated district centre.

In summary, the proposed out-of-centre retail floor space has not been justified in terms of need and is not shown as the most sequentially preferable or accessible site available for investment. UDP Policies EC8 and EC9 state that bulky goods retailing at out of centre locations may be appropriate where they do not impact on existing centres and no alternative sites exist within defined retail destinations. However, the application allows for unrestricted retail sales (not just bulky goods) at an industrial park location that would cater predominantly for car-borne shoppers.

The applicant has not in my view provided convincing evidence that the proposal would not impact upon the vitality and viability of Gorseinon district centre. It is therefore in conflict with abovementioned national guidance and UDP policies and supporting guidance.

### **Council's Head of Transportation and Engineering –**

This is a resubmission of the previously refused scheme. I reiterate my highway comments as they are still applicable.

#### **1 Background**

1.1 The original submission of this proposal did not include sufficient detail to enable proper consideration of the development impact and therefore refusal was recommended. Subsequently, additional information has been submitted which assesses the traffic impact of the proposal.

#### **2 Development Proposal**

2.1 The proposal is for 4 retail units of 310 sq m each. These are to be constructed on the site of the former Cross Marble and Stone premises next to the mini roundabout at the junction of Hospital Road with Gorseinon Road.

2.2 The site currently has 3 points of established access, one near the adjacent retail units, one at the mini roundabout which has been blocked off and the third access is shared with the next door property (Gymnasium) and provides rear access.

2.3 It is proposed to permanently remove the access which is presently blocked off as this emerges at the roundabout between the two road junctions and therefore its removal will be a safety enhancement. Customer access will be gained from the existing access which is approximately 90m from the roundabout and service and staff access will be on the shared access serving the Gymnasium leading to the rear of the site.

2.4 On site parking is to be provided for customers at the front (25 spaces) and staff parking at the rear (6 spaces). These figures accord with recommendations in adopted parking guidelines.

2.5 That part of Gorseinon Road fronting the site is to be widened in order to accommodate a right turn lane at the access point. This will ensure that traffic waiting to turn right into the site does not prohibit those wishing to travel onwards to Gorseinon. It will be necessary to install yellow box markings to ensure that any traffic queuing at the roundabout does not block the access. Visibility at the access point is good with clear views in both directions, with the access point being approximately 90m from the mini roundabout. Safe access and egress is therefore possible.



### 3 Traffic Generation

- 3.1 Assessment of the peak hour traffic generation estimates that on a week-day pm peak between 1700 hrs and 1800 hrs, the development will generate 16 vehicle movements and for a Saturday peak between 1300 hrs and 1400 hrs, 92 vehicle movements will be generated. The Saturday traffic rises slightly to 107 movements after the peak period and therefore the higher figure has been used in the assessment for robustness.
- 3.2 Traffic modelling of the mini roundabout indicates that there will be a reduction in its efficiency, however the roundabout will continue to operate within its theoretical capacity.

### 4 Conclusions

- 4.1 The site has generated traffic movements in the past and this proposal will see a redevelopment of the site to rationalise access movements by removing one access point and potentially increasing safety. The level of traffic likely to be attracted can be accommodated on the adjacent highway and adequate parking will be available within the site.

### 5 Recommendation

- 5.1 I recommend no highway objection subject to the following;
- i. Prior to the commencement of development, the road fronting the site shall be widened and a right turn lane installed in accordance with detailed engineering details to be submitted and approved.
  - ii. Parking bays shall be laid out in accordance with adopted guidelines to width of 2.6m.
  - iii. The site shall not be brought into beneficial use until all access and on site parking has been completed and laid out in accordance with approved plans.

Note 1: The highway works fronting the site will be subject to an agreement under Section 278 of the Highways Act 1980.

Note 2: The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.

**Health and Safety Executive** – The development location is within the Consultation Distance of the Notified Hazardous Installation of 3M's. However HSE does not advise on safety grounds against the granting of planning permission in this case.

**Council's Drainage section** – As DCWW have recommended appropriate conditions to ensure that an appropriate drainage scheme is submitted to ensure the protection of the site, any surrounding third parties and their system we would use their view in this case.

Assuming DCWW accept a connection which their reply suggests they might, all we would check would be storage/attenuation volumes/performance in the SW network for the relevant critical design storm.

## **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor David Lewis so that the impact on Gorseinon CBD can be fully assessed and debated as well as the overall impact to the highway.

Full planning permission is sought for the erection of four attached retail units on the site formerly occupied by Cross Marble and Stone Ltd. on the northern side of Gorseinon Road within the Garngoch Industrial Estate. The site is located some 550-600m outside the Gorseinon Shopping Centre within the Gorseinon Road/Garngoch Industrial Estate employment area. The use of the former building is defined as a retail warehouse i.e. a large single storey retail outlet, normally of 10,000 sq.ft (930m<sup>2</sup>) gross or more, specialising in the sale of bulky household goods (furniture, carpets and electrical goods) and offering free adjacent ground level car parking. The application was advertised in the press as it is classed as a major development and a departure from the Development Plan.

The site lies within an established industrial area bisected by the A4240 which is a busy arterial route linking the urban areas of Gorseinon and Penllergaer and leading to Junction 47 of the M4. Neighbouring outlets bordering the site include a parade of three retail outlets including Farm Foods, Pound Stretcher and The Pet Hut constructed under planning permission reference (2003/2327 dated 6th May 2004), now known as J47 Retail Park.

The previous retail warehouse amounting to some 1275m<sup>2</sup> of floorspace has already been demolished and the proposal seeks permission for the construction of four smaller attached units amounting to 1263m<sup>2</sup> of retail floorspace, on roughly the same footprint as the previous building.

The units are similar in design to the three existing neighbouring units, being single storey and sub-divided internally creating four separate retail units with the floorspace distributed fairly evenly. The front (south) elevation would feature four separate entrance canopies with provision above each canopy for high level signage. The overall scale, siting, design and external appearance of the proposed building is considered visually acceptable and is considered to relate satisfactorily to the surrounding area.

The Head of Transportation and Engineering has stated that the site has generated traffic movements in the past and this proposal will see a redevelopment of the site. The proposal will also to rationalize access movements by removing one access point and potentially increasing safety. The level of traffic likely to be generated by the proposal can be accommodated within the adjacent highway and local highway network and adequate parking will be available within the site. Therefore, no objections are raised subject to conditions and advisory notes.

Further issues to be considered concern the suitability of this site for the proposed retail uses, having regard to prevailing Development Plan Policies. These are directed towards maintaining and strengthening the established shopping structure in the area, and consolidating the convenience goods shopping centre at Gorseinon District Centre, whilst allowing consideration of small scale shopping development where necessary to meet local community needs. Retail developments on established industrial land are generally resisted, with specific exceptions where other development plan objectives are not prejudiced.

One of the Assembly Government's objectives for retailing and town centres is to promote town, district, local and village centres as the most appropriate locations for retailing. Planning Policy Wales states that when determining an application for retail use Local Planning Authorities should take into account, amongst other things; the need for the development, the sequential approach to site selection and the impact upon existing centres. The sequential approach means that the first preference should be for town centre locations followed by edge-of-centre, then district and local centres and, then only, out-of-centre sites accessible by a choice of means of transport. The onus of proof that options have been assessed using the sequential approach rests with the developer.

Strategic Policy SP6 of Part 1 of the Swansea Unitary Development Plan states that new retail development that is best located within the City Centre, District or Local Centres will not generally be supported at out-of-town centre sites. Additional edge of centre shopping should be restricted to that which would not prejudice established shopping centres. Policies EC4 and EC9 of the Swansea Unitary Development Plan Part 2 presume against the establishment or expansion of retail outlets outside defined shopping centres, thereby supporting the aim of improving and strengthening the role of established centres which is supported by recent National Guidance. The proposal is clearly contrary to Policies EC4 and EC9 as it would result in the introduction of four retail units in an out of centre location which would be best located within a town centre and as such the proposal would not contribute to the aims of either National Guidance or established Development Plan Policy which seek to support and improve existing shopping centres.

The application site is located in an industrial estate outside the defined residential settlement limits of Gorseinon and Penllergaer and is likely to cater primarily for car-borne shoppers. In respect of this out-of-centre location, it is necessary to submit evidence demonstrating that a sequential test for retail development has been applied. Government planning policy guidance recommends that a sequential approach should be followed when considering out-of-centre retail development, to demonstrate that firstly there are no central locations and secondly edge-of-centre sites which are preferable, being more suitable viable and available than the proposed out-of-centre site.

There is considered to be a sequentially preferable location to the application site being the Somerfield Store site which is located within the District Centre. This appears to have been disregarded in The Retail Impact Report (July 2014) for the reasons that the proposed out of centre scheme would charge lower rents and that no refurbishment scheme has come forward for the building. These reasons are not considered sufficient to consider this option unviable. Furthermore, there is concern that the proposals are part of a wider plan to form a de facto centre which would be achieved by consolidating the existing arrangement of retail units which would ultimately be harmful to the nearby district centre. The assertion that this would be complimentary to the district centre cannot be substantiated, particularly given the open A1 consent being sought.

The Town and Country Planning Act (as amended) requires that applications should be determined in accordance with development plan policy unless there are material considerations, which outweigh that policy. The proposed new retail units would provide a visual enhancement to the area and the site has an established use as a retail warehouse. However, it is not considered that this justifies departing from the adopted retail policies aimed at retaining and consolidating the established shopping structure of the area. Moreover to approve the application would establish an undesirable precedent for the consideration of similar applications for retail development, particularly within the Garngoch Industrial Estate which would undermine the vitality, attractiveness and viability of the nearby existing shopping centre. A more favorable consideration would be given to the development of the site for a retail warehouse development restricted to the sale of bulky household goods/DIY which would not compete directly with the range of convenience and comparison goods available in the nearby Gorseinon District Shopping Centre. Refusal is recommended therefore on the grounds that the proposal conflicts with established policies aimed at strengthening the role of the Gorseinon District Shopping Centre.

The previous reasons for refusal in relation to the 2011/0092 application are considered to still stand. The proposed development is still considered to result in the establishment of a significant retail development within a primarily industrial area, outside of the Gorseinon District Shopping Centre. The approval and formation of this retail development would establish an undesirable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the centre, for which there is no proven need and which would undermine the future vitality and attractiveness of the centre and others. It is acknowledged that the Assessment of Retail Development (July 2014) submitted with the application aims to address these reasons, however, it is still considered that the fundamental concerns remain and warrant the refusal of the application.

With regards to the concerns raised by Gorseinon Town Council regarding the additional vehicular access point, this is considered to have been covered by the comments made by the Head of Transportation and Engineering. The other comments raised by consultees – with the exception of the Planning Department's Policy section - are considered to be possible to address via appropriately worded conditions if a recommendation of approval was being made.

### Burry Inlet Habitat Regulations Assessment

#### Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site.

Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

### Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

### Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

### **CONCLUSION**

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

In conclusion therefore and having regard to all material consideration including the Human Rights Act, refusal is recommended on the grounds that the proposal conflicts with established Policies aimed at strengthening the role of the Gorseinon District Shopping Centre.

**RECOMMENDATION****REFUSE, for the following reasons;**

- 1 The proposed development would result in the establishment of a significant retail development within a primarily industrial area outside of the established Gorseinon District Shopping Centre and would be contrary to Strategic Policy SP6 and Policies EC4 and EC9 of the City and County of Swansea Unitary Development Plan 2008 which aim to improve and strengthen the role of this established District Shopping Centre.
- 2 The approval and formation of this retail development within the Garngoch Industrial Estate would establish an undesirable precedent for the consideration of applications for development of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the district shopping centres, for which there is no proven local need and which would undermine the future vitality and attractiveness of those centres contrary to the aims of Policies SP6, EC4 and EC9 of the Swansea Unitary Development Plan 2008.

**INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EC4, EC8, EC9, AS1, AS2, AS5, AS6, EV33, EV34 and EV35.

**PLANS**

01 existing floor plans, 02 site location and existing elevations, 03 proposed floor plans, 04 proposed elevations, 05 block plan dated 25th July 2014

---