

Planning Committee – 14<sup>th</sup> June 2022

Item 1

Application Number:

2021/1088/FUL

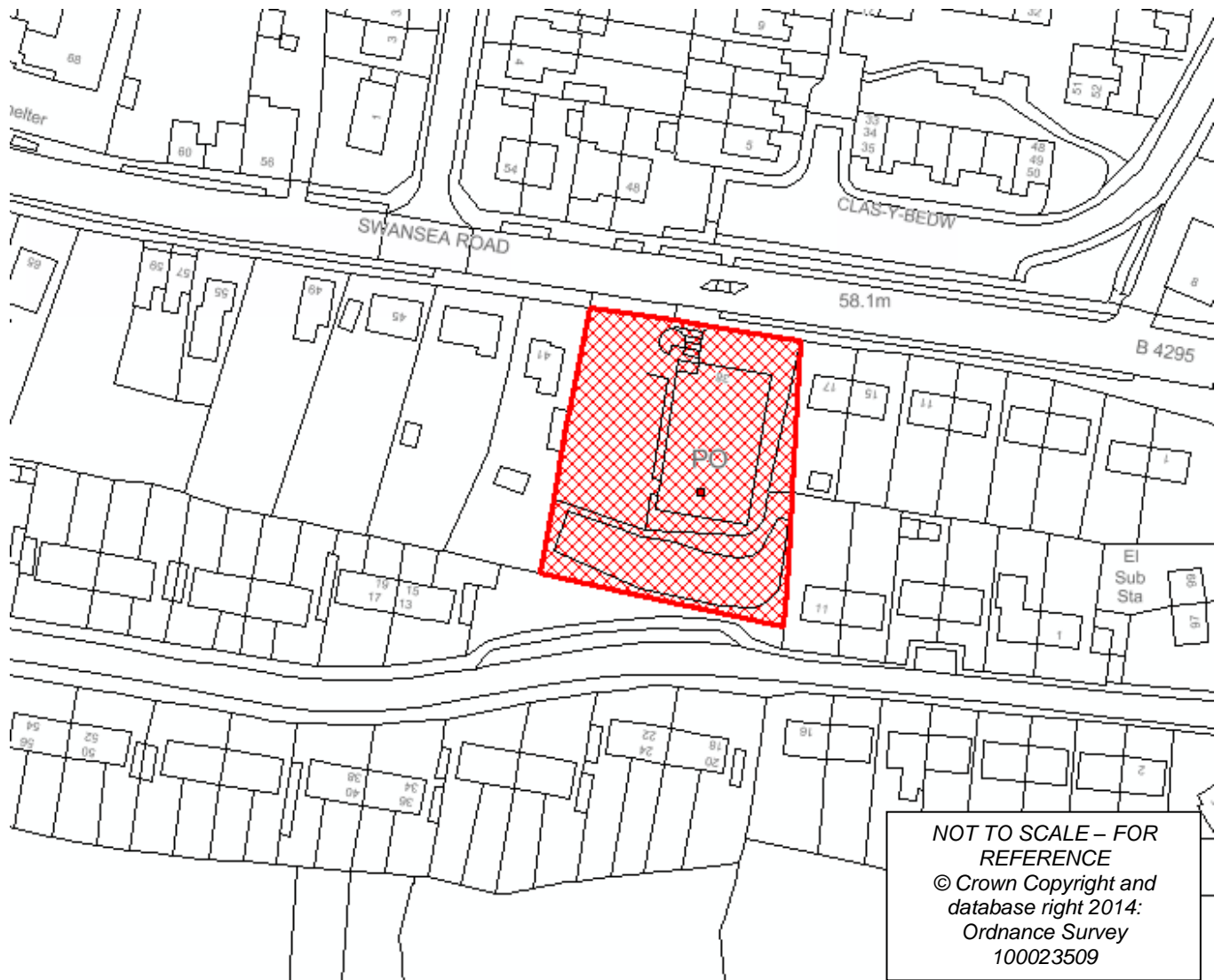
Ward:

Wauanarlwydd - Bay Area

Location: Cks Supermarket, 39 Swansea Road, Wauanarlwydd, Swansea, SA5 4TQ

Proposal: Conversion of part of retail shop (Class A1) to an ancillary hot food takeaway (Class A3)

Applicant: Mr Mike Morgan CK Supermarket LTD



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## **Background Information**

### **Policies**

#### LDP - PS2 - Placemaking and Place Management

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

#### LDP - RP2 - Noise Pollution

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

#### LDP - ER2 - Strategic Green Infrastructure Network

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

#### LDP - ER8 - Habitats and Species

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.

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

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

#### LDP - T6 - Parking

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

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

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LDP - T5 - Design Principles for Transport Measures and Infrastructure  
Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

### Site History

App Number	Proposal	Status	Decision Date
A00/6033	RETENTION OF 2NO. INTERNALLY ILLUMINATED DISPLAY UNITS	WDN	14.04.2000
A00/6026	Retention of 2 No. internally illuminated wall mounted advertisement display units	APP	20.09.2002
2009/1811	Display of one internally illuminated free standing display unit	REF	28.01.2010
2004/0507	Change of use from rear store to food and drink (Class A3)	REF	24.08.2004

### Background

**This application was called-in by Local Ward Member Wendy Lewis for determination at Planning Committee.**

The application site has been amended so that the red line just covers the unit proposed to be used for the A3 use. The remainder of the building and parking area is located within the blue line (land within the applicant's ownership). This has been changed at the Local Planning Authority's request to ensure it is clear what area is being applied for A3 use.

An application for the change of use from rear store to food and drink (Class A3), was refused on 25th August 2004, ref: 2004/0507. The reason for refusal is given below:

*The proposed development would be seriously detrimental to the amenities of the occupants of nearby residential properties by virtue of additional noise, smell and fumes and general disturbance associated with unsocial hours of operation contrary to Policy BE2 of the Swansea Local Plan Review No. 1.*

### Site Location

The application site is positioned within the Swansea urban area and local ward of Cockett. The given address is: Cks Supermarket, 39 Swansea Road, Waunarlwydd. The application site comprises of Unit 1 within the store, with 2 other smaller units also located internally. Cks supermarket has a large car park serving it at the side of the unit and is open from 7am to 9pm daily.

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### **Description of Development**

Full planning permission is sought for the conversion of part of the retail shop (Class A1) to an ancillary hot food takeaway (Class A3). Unit 3 measures circa 34.5m<sup>2</sup> and the overall internal floor area of the shop is circa 322m<sup>2</sup>.

### **Planning Policy**

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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

Good Design Making Better Places

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

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

#### **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.

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.

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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.

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.

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.

### **Supplementary Planning Guidance:**

The SPG 'Car Parking Standards' adopted March 2012, provides information and guidance in regard to Policy T 6 and this is referenced on page 236 of the LDP. The SPG 'Development and Biodiversity' was adopted February 2021, and expands upon Policies ER 2, ER 8 and ER 9.

### **Consultations:**

#### **Highway Authority**

Proposals are for the conversion of part of the existing retail store, currently A1 use, to an ancillary hot food take away A3.

Hours of opening will be in line with the existing, i.e 07.00 - 21.00hrs and as such the unit will not generate additional associated traffic movements outside these times.

I note there are a number of objections to the proposals but these in the main relate to environmental health issues such as noise and hygiene.

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In terms of highway safety, the supermarket is well established and the hot food unit will remain ancillary to the main premises replacing an existing commercial use of a hairdressers which would have attracted its own client base throughout the working day. There is a large car park to the side and on street parking is unrestricted therefore a refusal on highway safety grounds would be very difficult to justify.

On that basis, there are no highway objections.

**Pollution Control Team**

For noise and odour please add the following condition:

No development shall commence until a scheme for ventilation extraction, including full details of the equipment to be installed for that purpose has first been submitted to and approved by the Local Planning Authority. Details provided should include flue design, the location and noise rating of all fans/ air movement devices and odour control for the system.

Please also add the following conditions:

- No deliveries before 7am or after 10pm
- Operating hours should be from 7am to 10pm

*Following the submission of additional details of extraction/ventilation the Authority's Pollution Control Officer agreed the details were acceptable and that they had no further comment.*

**Neighbour comments:**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos.11 Caer Gynydd Road and, 17 and 41 Swansea Road on 5th May 2021.

A site notice was also posted within the vicinity of the application site on 10th May 2021.

9 letters of objection were received, including one anonymous objection, from 8 separate objectors, and 1 letter of support. The reason for objection are summarised below:

- Increase in noise disturbance
- Litter
- Parking and Highway safety concerns
- Light pollution
- Smells
- Anti-social behaviour
- Safety during COVID
- Overdevelopment
- Later opening hours
- Problems during delivery
- Health and safety concerns
- Damage to neighbouring wall from traffic and parking cars

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- Loss of hair dressers
- Over competition

A petition of objection containing 64 signatures from 54 separate addresses was also received, the petition stated:

*Concerns in the village, control of smell, noise, parking (additional space) opening hours, rubbish, bins close to residential homes, antisocial behaviour*

**Analysis and Recommendation**

**Key Issues**

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of part of this building as a takeaway Class A3, impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers along with parking and highway safety impacts.

**Principle of Use**

The site currently comprises a purpose built commercial building on a main road linking Waunarlwydd to Swansea and Gowerton. The area is predominantly comprised of residential area with some other commercial uses along the main road, including a pub/restaurant a short distance away. In regard to the principle of development it is considered that the established commercial building is an appropriate location for a takeaway use such as that proposed. This is subject to the proposal having an acceptable impact in regard to visual, neighbouring amenity and highway safety.

**Visual Amenity**

The application property is a relatively modest purpose built commercial unit of little architectural merit. The proposal includes the installation of an external extractor ventilation system for the control of noise and odours. Systems such as this are common on commercial properties and it is considered that it's design would not have an unacceptable visual impact given its modest scale and siting. It is therefore considered that the proposal will have an acceptable impact in regard to the visual amenity of host property and surrounding area.

**Residential Amenity**

The proposal will raise no issues relating to being an overbearing form of development or introducing any overshadowing or overlooking. The principle consideration is the impact of the proposal in terms of noise and disturbance impacts from the nature of the use. It is noted that the proposed takeaway will result in noise and smells different to that of the existing commercial use. However it is considered that these impacts would be suitably controlled by the extractor and ventilation equipment, and the Authority's Pollution Control Team raises no objection having reviewed the detail. A condition would be attached to any grant of consent to ensure the extraction equipment is installed in accordance with the approved details and thereafter retained and maintained in accordance with the manufacturers details.

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In terms of comings and goings it is noted that a takeaway use will introduce a different demand compared to the existing circumstances. However this is a popular and busy commercial unit already and whilst the takeaway is an additional use, no additional floor space is being added. Furthermore the proposal is to utilise the same operating hours to the existing retail facility. It is noted that the Authority's Pollution Control Team requested a condition to restrict deliveries, however as the existing commercial use appears to have no restrictions on delivery, this is not considered reasonable or necessary. On the basis that the proposal will not increase the opening hours or floor area of the building, it is not considered that approval of the use would result in a level of comings and goings that would be unduly harmful compared to existing circumstances subject to a condition regarding opening hours.

It is noted that a previous similar application for a takeaway use was refused, on the basis of a negative impact on neighbours. However this decision was made under historic Council Policies from almost 15 years ago. Whilst the physical arrangements of the surrounding area are broadly similar, it is not considered that the proposals are in conflict with current LDP Policy, and on balance can be considered acceptable.

### **Parking and Highway Safety**

In regard to highway safety, it is noted that the commercial unit is well served by a car park. The proposed takeaway unit will generate a demand for short term parking (with a quicker turnover), however it is not considered that there would be a significant increase in demand compared to existing circumstances, given that there will be no increase in floor space. The parking demand from the A3 use will be offset by a reduction in demand from the existing A1 use.

It is noted that there have been a number of objections in regard to an over demand for parking and delivery vehicles parking illegally and/or causing obstruction. As discussed above the level of parking is considered acceptable and there has been no objection from the Local Highways Authority. In regard to the illegal parking of delivery suppliers and/or customers this is controlled by separate legislation and it is considered that existing powers available to the Authority and Police is sufficient to control such activities.

On that basis and considering the comments from the Local Highways Authority, the proposal is considered to have an acceptable impact in regards to highway safety.

### **Ecology**

Policy 9 of Future Wales (in addition to Policy ER9 and the Supplementary Planning Guidance Document - Biodiversity) require 'enhancement' of biodiversity at all levels. Action shall be taken to secure the maintenance and enhancement of biodiversity (to provide net benefit) and innovative, nature-based approaches to site planning and the design of the built environment are required. Given the nature of the development, a change of use with the only external alteration being the installation of a flue, it is not considered reasonable or necessary in this instance to require ecological enhancement measures in this instance.

### **Response to Objectors**

In regard to the objections over highway safety, parking, smells, overdevelopment, opening hours, deliveries, noise and disturbance these have been considered in the above report.



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In regard to over competition in the local area and damage to neighbouring properties from the use of the car park, these are not material planning considerations, with the latter being a civil matter between the two parties.

It is not considered that the proposal will have any unacceptable health and safety concerns and such requirements to comply with current COVID restrictions are controlled by separate legislation and are not a planning matter. It is not considered that the proposal will have any impact in regard to increased light pollution, given that it is sited within an existing use.

In regard to increased litter and anti-social behaviour, it is not considered that the proposed use would necessarily result in a significant increase in harm in these regards. It is also noted that these are controlled by separate legislation and may be a matter for the police. It is not considered that the loss of the hair dressers is unacceptable and it is noted that the main part of the retail unit will be maintained. The change of use amounts to circa 34.5m<sup>2</sup> out of circa 322m<sup>2</sup> of floorspace.

**Conclusion**

In conclusion, and having regard to all material considerations including the Human Rights Act, it is considered the proposal would have an acceptable impact on the visual character of the local area, amenities of neighbouring occupiers, highway safety and ecology in compliance with Policies PS2, RP2, ER8, ER9, T5 and T6 of the Swansea LDP.

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

**RECOMMENDATION**

**APPROVE subject to the following conditions:**

- 1 The development 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: SKT-01 REV A proposed change of use of internal sub units & elevations received 29th September 2021. CK Waunarlwydd proposed commercial kitchen standard ventilation received on 22nd September 2021. BP01 REV B block plan received on 18th May 2022.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 The proposed takeaway use hereby approved shall not operate outside the hours of 7am to 9pm Mondays to Sundays.  
Reason: To protect the amenities of the occupiers of nearby dwelling houses.
- 4 Prior to the first beneficial use of the takeaway hereby approved, the extractor/ventilation system shall be installed as per the approved plans and documents. The extractor/ventilation system shall thereafter be retained and maintained as such in accordance with the manufacturers details for the lifetime of the approved use.  
Reason: In the interests of protecting neighbouring residential amenities.

### **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: Policies PS2, RP2, ER8, ER9, T5 and T6
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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Item 2

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2021/1048/FUL

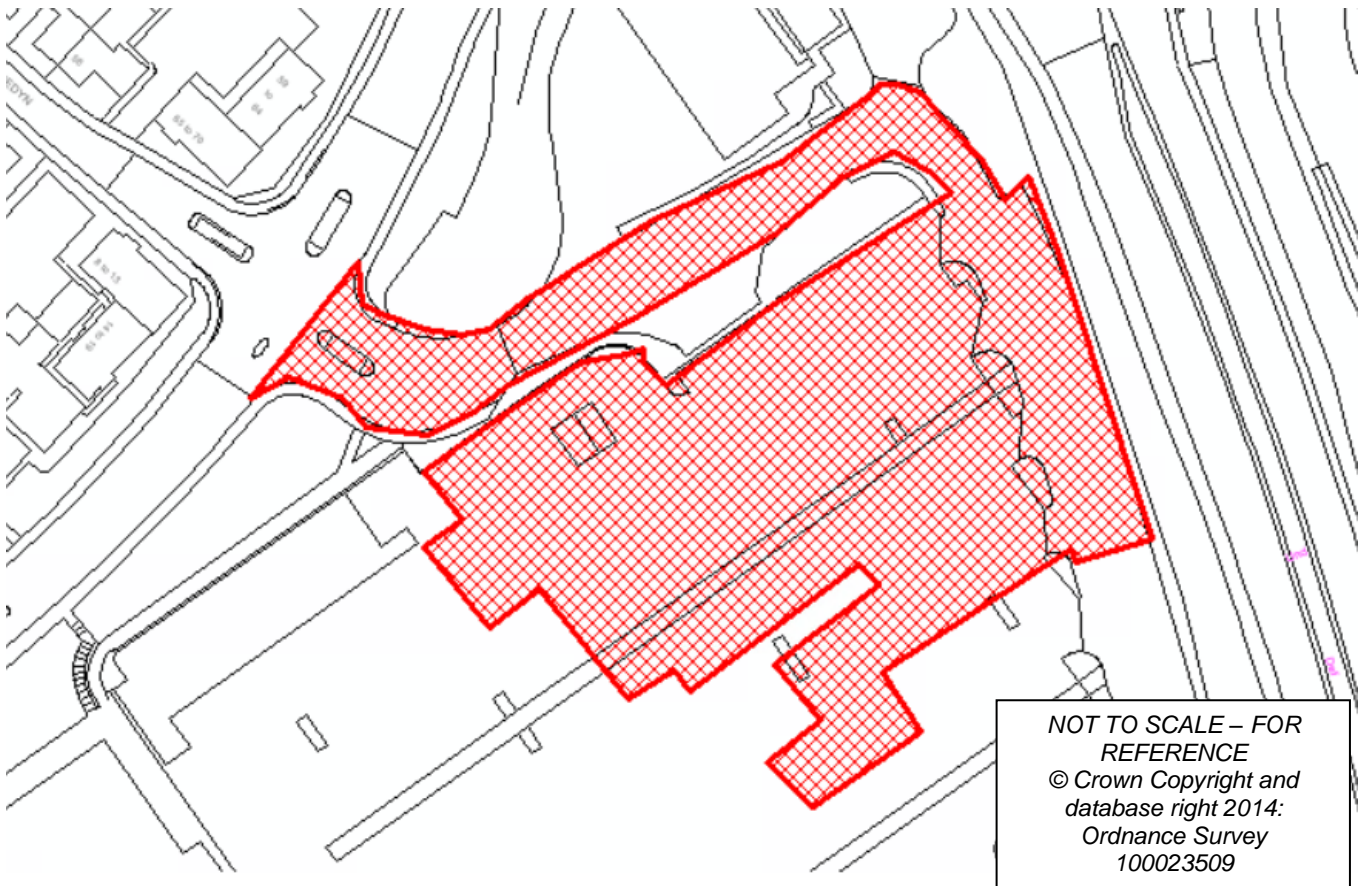
Ward:

Cockett - Bay Area

**Location:** Tesco Extra, Parc Fforestfach, Cadle, Swansea, SA5 4BA

**Proposal:** Erection of a restaurant with drive thru facility, and associated car parking and landscaping

**Applicant:** McDonald's Restaurants Ltd McDonald's Restaurants Ltd



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### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
2021/1096/ADV	Two internally illuminated individual letter fascia signs, three internally illuminated Arch logo signs, two internally illuminated individual letter collection signs, one internally illuminated individual letter payment sign and one internally illuminated digital booth screen to proposed drive thru restaurant	PCO	
2021/1097/ADV	Addition of one internally illuminated panel to existing totem sign at retail park entrance in association with proposed drive thru restaurant	PCO	
2021/1098/ADV	Two internally illuminated directional signs, one non illuminated banner sign and 21 non illuminated directional signs for proposed drive thru restaurant	PCO	
2021/1099/ADV	Two internally illuminated freestanding totem signs in association with proposed drive thru restaurant	PCO	

#### Background

**This application is being reported to Planning Committee for decision because a recommendation of approval would constitute a departure from Development Plan Policy**

A pre-application enquiry for a Free-standing McDonalds restaurant on existing Tesco car park, ref: 2018/2174/PRE, was received in October 2018 and given a negative response due to conflict with the Planning Policies set out within the Current Swansea Local Development Plan (2010-2025) and highway safety concerns. However, the proposed scheme has now been amended in line with the previous advice given to overcome and address the previous concerns raised and hence the submission of this application.

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### Site Location

The application site is positioned within the Swansea urban area, local ward of Cockett and the Fforestfach retail park. The given address is: Tesco Car Park, Parc Fforestfach, Pontarddulais Road, Cadle, Swansea, SA5 4BA. The site is located on a section of the existing car park of the Tesco Supermarket, Pontarddulais Road. It is located within the Fforestfach retail park, which is a modern superstore-based district shopping centres that caters primarily for car borne shoppers and residents in the area. The surrounding area contains a mix of uses, with the retail park and other retailers located in close proximity, including similar uses to that being proposed. Residential properties are located further away, with the closest being across Ffordd Cynore to the northwest. Access to the site will be via an existing access within the Tesco car park. Vehicles will enter this access and take the entrance to access the drive thru lane.

### Description of Development

The proposed development comprises of a modern, freestanding, McDonald's restaurant (Class A3) with Drive thru, car parking, landscaping and associated works, including customer order displays (COD) and a goal post height restrictor. Provision is made for take away customers both from the counter and from the drive thru lane. The proposed restaurant will have Gross External Area (GEA) which includes the corral and freezer chiller of 473 sqm, and the Gross Internal Area (GIA) is 442sq.m. The footprint of the building is 249sqm, however, the actual public floor area comprises of 141.6sq.m

The proposed building will be two storeys in height, with a flat roof design and will be finished in contemporary materials such as grey and timber cladding and large areas of glazing. The ground floor will comprise of the 95 seater dining room, service area, kitchen and W/Cs, the first floor will comprise of a chiller, storage, kitchen area, office, staff changing room and staff room area. A section is proposed on the roof to comprise of the plant required for the development such as the ventilation system and condensers which will be screened from view by louvred aluminium panels.

The application also comprises of an outdoor patio/seating area which is located outside the entrance to the building. The application site will also include landscaping, external lighting, litter bins and pedestrian access points.

The restaurant would operate 24 hours a day Monday to Sunday and will provide 24 standard parking bays, 24 accessible parking bays and 2 reserved bays for drive thru customers. There would be 8 cycle parking spaces for staff and customers located within the patio area.

Access to the proposed restaurant would be via the Tesco Access Road and the drive thru lane would run clockwise around the building with customers' existing back into the main car park.

With regard to proposed signage and advertisements regarding the proposed development, a separate advert application has been submitted by the applicant to the LPA. Planning Reference No. 2021/1098/ADV for Two internally illuminated directional signs, one non illuminated banner sign and 21 non illuminated directional signs for proposed drive thru restaurant is currently under consideration.

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The application is supported by the following documents:

- o Detailed Elevations, Floor Plans and Site Plans;
- o Transport Statement;
- o Drainage Statement;
- o Environmental Noise Assessment;
- o Landscaping Details;
- o Delivery Management Plan, and;
- o Phase I and II Geo Environmental Site Investigation reports;

### **Planning Policy**

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

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

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Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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

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

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

### **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 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.

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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 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.

T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

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

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

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

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.

RC 2 Retail and Leisure Development - Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development.

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RC 3 Swansea Central Area Retail Centre - Swansea Central Area Retail Centre sits at the top of the retail hierarchy and is the sequentially preferred location for all significant retail and leisure development. Proposals within or outside the Swansea Central Area must not put at risk the regeneration of the St David's/Quadrant site priority proposal and must deliver the development principles specified in the policy.

RC 7 Out of Centre Retail Parks -5 Out of Centre Retail parks are designated. Class A1 (retail) proposals within will be restricted to the sale of predominantly bulky goods and/or other goods that would not typically be sold from premises within a Centre. Proposals for Class A3 (food and drink) within Out of Centre Retail Parks will be restricted to small scale provision ancillary and incidental to the primary retail function of the Park. Class D2 (leisure) proposals will only be permitted if demonstrated no viable prospect of being located within or on the edge of the Swansea Central Area Retail Centre.

RP 2 (2A) 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 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.

EU4 Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

**Supplementary Planning Guidance:**

Supplementary Planning Guidance (SPG) relating to this application are:

- o District Centres, Local Centres and Community Facilities;
- o Car Parking Standards;
- o Shopfront & Commercial Frontages Design Guide.



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**Response to Consultations:**

**Neighbour comments:**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by means of notices placed within the vicinity of the site on 7th May 2021. The application was also advertised in the press on 13th May 2021 and again on site, as a departure.

3 letters of objection were received, which raised the following concerns:

- o Antisocial behaviour
- o Litter
- o Already significant A3 uses in the local area, including nearby McDonalds, an additional one is not needed.
- o Traffic increase
- o Noise and disturbance

**Welsh Water:**

As part of this planning application, we acknowledge receipt of a 'Proposed Drainage Layout' (Drawing No. 4190167-1200 Rev. P5) and 'Drainage Statement' which indicates proposals to dispose surface water flows to a watercourse via an existing private drain whereas foul water flows will discharge indirectly to the public sewerage system via grease trap and in principle we offer no objection

**Drainage**

The Council's Drainage officer has advised that the development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features.

**Ecology**

Following the submission of amended plans, an updated comment was received:

The Council's Ecologist is satisfied that the tree and shrub planting addresses the previous concerns raised and is also satisfied with the pollinator planting as an ecological enhancement subject to a condition that it is provided within 6 months of completion of development and retained as such in perpetuity. However, three trees are to be removed, which although are immature, do still provide potential habitat for nesting birds. I'd request that they are either replanted on site or that Wood Stone bird boxes are installed on retained mature trees on site and, subject to the inclusion of the bird nesting informative

**Pollution Control**

The Council's Pollution Control Officer has requested that conditions are added to any consent granted to cover ventilation extraction; condensing units relating to refrigeration and freezing of products; and contaminated land

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## NRW

NRW are satisfied that any concerns can be overcome by attaching the conditions regarding contaminated land to any planning permission granted and advisory notes.

## Highways

Following a number of revisions these final comments were received from Highways:

### Amended Plans Submission:

It is noted that in terms of highways and transport, the submitted information relates to a further revised Delivery Management Plan (DMP) and an associated covering letter. These documents have been considered in this response. As part of the previous iteration the proposed service and refuse attendance route had been altered to take place outside of the main car park. This was generally noted as an improvement as it sought to avoid the requirement for u turns of 16.5 metre HGVs. The route proposed is now to take a route through the Tesco petrol filling station, along the petrol tanker route and storage tank fill location, across the car wash area to the roundabout access with the car park. The HGV is shown to turn back on its journey and towards the highway, with parking for site attendance taking place within the existing recycling area. It is proposed that a scissor lift is fitted at this location to raise and lower cargo to and from the restaurant and the proposed loading bay which is at a lower ground level. The Highway Authority previously considered the above proposals and set out the extent of additional information that would be required in order to support this proposal. The update below considers the issue raised and the outcome based on new information that has now been received.

Issue : The service route will require the use of an adjacent and separately owned and operated land use in the PFS, has this been confirmed as acceptable by the operators; and how would the DMP ensure that the service route is maintained for the PFS and that the two service vehicles would not meet; The information received confirms that Tesco will be the landlord to the drive through unit. The servicing arrangements have been confirmed to take place outside of the PFS opening hours. Therefore, it is unlikely that the PFS delivery would meet the restaurant delivery. There is significant detail available on the servicing arrangements and this is noted. The details of refuse attendance are not as informed on the whole, and not referenced in the response to this query. However, within the DMP it is confirmed that three weekly visits would be required and these would be scheduled to occur between 22:00 and 07:00 hours, the same restrictions for deliveries. There are no further issues to raise as part of this query.

Issue: The turn of the HGV around the rear of the kiosk appears to have some missing kerb detail that should be in place protecting the rear of the building at the extractor fans. This should be added for clarity; This area of the plan has been updated and although causes concern that it appears too close to parking locations and kerbed areas, it is acknowledged that a PFS tanker HGV does serve this location in the method shown. The PFS and car wash area will be closed at the time of service and refuse attendance. There are no further issues to raise in this query.

Issue: The car wash facility appears to use some of this area for parking, this may need to be formalised to be kept clear of larger vehicle manoeuvres; As above, this area of the plan has been updated and although causes concern that it appears too close to parking locations and kerbed areas, it is acknowledged that a PFS tanker HGV does serve this location in the method shown. The PFS and car wash area will be closed at the time of service and refuse attendance. There are no further issues to raise in this query.

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Issue: The swept paths show the movement through the junction and into the recycling area, we would wish to see the assessed vehicle speed shown within the vehicle specification as part our audit. The detail has been provided and confirmed to be assessed at 10 mph, it is accepted that this would be representative in this case.

There are no further issues to raise in this query.

Issue: The point of entry into the recycling area is considered difficult and may lead to HGVs mounting the kerb, it is suggested that this is reviewed in further detail and redesigned; The swept path in this area appears to have updated and is potentially marginally improved. Although no changes are proposed this is still a concern given the short distance between this and the roundabout and the limitations of the space being used. The restricted hours of service and refuse attendance should see HGV using this area in times when there is significantly less traffic using the adjacent network of access roads. There are no further requests to be made of the applicant.

Issue: The proposed commercial vehicle parking area is a designated public recycling area. It is noted how constrained this is to accommodate the vehicle assessed. Should this be considered it would be required that the area is formally dedicated for loading and appropriate signage and treatment applied. The recycling area should be relocated to remove all public interaction in this area; and this has not been accepted by the applicant and representation has been made that it would not be needed due to the restriction in servicing attendance and the likely negligible public interaction at that time. Concern still remains that this is not an ideal or fully dedicated and functional commercial parking area. There are no further requirements of the applicant at this stage.

Issue: The relocation of the south to west kerb line of the roundabout junction to facilitate larger vehicle movements has resulted in the tactile paving and crossing facilities not aligning correctly, this will need to be reviewed and adjusted. This has been addressed within the most recently submitted layouts. There are no further requirements outside of any detailed design plans. In addition to the list of queries it was noted that the previously reviewed DMP could be better informed in terms of the proposed parking content. This has been updated and contains all the information required. The Delivery Management Plan includes a commitment to servicing, both deliveries and refuse collections, outside of day time hours, and specifically between 2200 and 0700 hours. This time period coincides with the closure time of the PFS and the food store is generally closed between 0000 and 0600 hours. It is noted that the proposed area which was set aside to achieve the HGV u turn manoeuvres has been integrated into the masterplan and repurposed.

Highway Authority Conclusion:

The proposed delivery route has been amended within a revised DMP, comments were raised as part of a previous consultation response. The applicant has sought to address each of the issues raised within the submission of further information. The Highway Authority has considered the proposals and has concluded on all matters. There are still some areas of concern, however, the extent of these concerns and the overall relationship of interlinked issues has been taken into account. The applicant information submitted does make meaningful progress into resolving the issues that were matters of safety concern. Strict adherence to the DMP is likely to ensure that service and delivery vehicles have minimal interaction with the existing and surrounding uses.

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Whilst the Highway Authority does not wish to change its response to one that fully supports the proposals, it would confirm that it no longer objects. The proposals have changed since initial submission, what was found not acceptable, in terms of highway and public safety, may now be considered to pose no greater issues than that which would typically be expected at this location. This is a consequence of the stricter management measures implemented, should these change, there would likely be further safety concerns. The proposals do not seem to be direct or efficient in terms of servicing, although these alone are not matters that amount to an objection and are for the operator to manage. We would not recommend refusal of the scheme and defer to the case officer judgement on the ability of the applicant to deliver this scheme on the whole subject to a number of conditions.

### **Strategic Planning and Placemaking:**

Principal of development

The site forms part of Fforestfach Retail Park which is a designated out of centre retail park (Policy RC 7) in the LDP. The land is not allocated for any other specific use nor does it contain any concerns that are acknowledged on the Constraints and Issues Map. A key consideration for this planning application is whether the drive-thru (Use Class A3) proposal is acceptable in this location. The proposal is located within Fforestfach out of centre retail park as designated by Policy RC7 in the LDP. The Policy states that proposals for Class A3 (food and drink) within such locations will be restricted to small scale provision that is ancillary and incidental to the primary retail function of the Retail Park (the policy defines 'small scale' as a facility less than 200sqm gross floor area), or a facility that due to its operational and functional requirements cannot reasonably be accommodated within a Centre. The policy amplification text (para 2.8.44) has specific recognition for 'drive-thru' restaurant/café which it states represents a Class A3 operation that, due to its circulation requirements and size constraints, would not typically be located within a Centre and may instead be accommodated within a Retail Park.

The amplification goes on to state that leisure uses will not be permitted at Retail Parks if judged to give rise to a critical mass and range of facilities that pose a threat to the future vitality, viability and attractiveness of the Swansea Central Area or District Centres. The policy aim is founded on evidence that emphasises the threat posed by Retail Parks in future becoming 'all round destinations' for customers to have such a range and opportunity for retail and leisure experiences that it negates the need to undertake any separate visit to existing Centres. Such developments are considered to be one of the most significant threats to the viability of the Swansea Central Area and regeneration proposals that seek to deliver a revitalised retail and leisure destination. I note the applicant's 'sequential approach' chapter in their supporting statement. The evidence submitted in this regard is considered to be flawed in terms of failing to identify potential sites within the City Centre and District Centres. Notwithstanding this, PPW does allow Planning authorities to be flexible in their approach to the sequential test where it is necessary to do so (para 4.3.21), and in this case the nature of the use is recognised in the LDP as one which is less suited to in-centre locations, and that may be located within Retail Parks. For that reason, I would not recommend that the applicant be required to further consider potential alternative sites in this case.

In principle, the proposed use is acceptable at an out of centre Retail Park and it has been demonstrated that the drive-thru will be ancillary and incidental to the retail park's primary retail function. However, the application must be considered a technical departure from Policy RC 7 as the proposal equates to 249sqm gross floor area which is over the size considered to be small scale (200sqm).

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It is noted though that the total public floor area is only 141.6sqm and on balance the increased floor space doesn't give rise to additional concerns. Consideration should be given to restricting the use to A3 to prevent future change of use to unrestricted A1.

#### Placemaking and Green Infrastructure (GI)

The Development Plan, comprising Future Wales and the Swansea LDP, places significant emphasis on the importance of placemaking and the integration of multi-functional Green Infrastructure (GI). Welsh Government and Swansea Council are also signatories to the Wales Placemaking Charter which sets out the placemaking principles to be applied to all developments. The requirement for a strategic placemaking approach to decision making is set out in Future Wales Policy 2, which sets out the principles to be followed to ensure development positively contributes towards building sustainable places that help support well-being objectives, with opportunities taken to ensure that GI is fully integrated into development schemes wherever possible. Annex A of this response provides further details on this key policy and its stated requirements. Similarly, placemaking and GI is central to the Swansea LDP, as emphasised in Policies PS 2 and ER 2. These state that all proposals should be assessed having regard to these key principles and should enhance the County's GI network. Policy PS2 also emphasises that development should enhance the quality of places and spaces, and respond positively to the aspects of local context and character that contribute towards a sense of place. The policy states that 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.

### APPRAISAL

#### Main Issues

In view of the above-mentioned policy context, the key issues to consider in this planning application relate to the principle of the construction of a restaurant with drive thru facility (Class A3) in this location, impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers along with ecology, parking and highway safety impacts.

#### Principle of Development

Planning Policy Wales indicates that when determining planning applications for retail, leisure or other complementary functions they should best be located in established town, district local and village centres. Where a need is identified for such new developments, local planning authorities should adopt a sequential approach to the selection of sites, the first preference should be to town centre locations, and if not available then consideration should be given to appropriated edge of centre sites.

Policy RC2 of the Local Development Plan states retail and leisure proposals must in the first instance assess the suitability of sites and premises within the City Centre, District Centres and Local Centres. Policy RC 3 emphasises that the Swansea Central Retail Centre sits at the top of the retail hierarchy and is the sequentially preferred location for all significant retail and leisure development. The site forms part of Fforestfach Retail Park which is a designated out of centre retail park (Policy RC 7) in the LDP.

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One of the key considerations of this planning application is whether the drive-thru (Use Class A3) proposal is acceptable in this location. The Policy (RC 7) has specific recognition for 'drivethru' restaurant/café which represents a Class A3 operation that, due to its circulation requirements and size constraints, would not typically be located within a Centre and may instead be accommodated within a Retail Park. The Policy states that proposals for Class A3 (food and drink) within such locations will be restricted to small scale provision that is ancillary and incidental to the primary retail function of the Retail Park, or a facility that due to its operational and functional requirements cannot reasonably be accommodated within a Centre.

The Policy defines 'small scale' as a facility less than 200sqm gross floor area. The amplification to Policy RC 7 goes on to state that leisure uses will not be permitted at Retail Parks if judged to give rise to a critical mass and range of facilities that pose a threat to the future vitality, viability and attractiveness of the Swansea Central Area or District Centres. The policy aim is founded on evidence that emphasises the threat posed by Retail Parks in future becoming 'all round destinations' for customers to have such a range and opportunity for retail and leisure experiences that it negates the need to undertake any separate visit to existing Centres. Such developments are considered to be one of the most significant threats to the viability of the Swansea Central Area and regeneration proposals that seek to deliver a revitalised retail and leisure destination. A sequential consideration has been submitted by the applicant, which is a requirement for the consideration of retail and all other uses complementary commercial uses such as A3 development. The evidence submitted in this regard is considered to be flawed in terms of failing to identify potential sites within the City Centre and District Centres. Notwithstanding this, PPW does allow Planning authorities to be flexible in their approach to the sequential test where it is necessary to do so (para 4.3.21), and in this case the nature of the use is recognised in the LDP as one which is less suited to incentre locations, and that may be located within Retail Parks. For that reason, whilst the sequential test is not considered to address all aspects of the retail hierarchy it is considered sufficient in this instance.

In principle, the proposal is acceptable at an out of centre Retail Park and it has been demonstrated that the drive-thru will be ancillary and incidental to the retail parks primary retail function. However, the application must be considered a technical departure from Policy RC 7 as the proposal equates to approximately 249sqm gross floor area which is over the size considered to be small scale (200sqm). However, it is noted though that the total public floor area is only 141.6sqm and on balance the increased floor space doesn't give rise to additional concerns. On balance it is considered that the proposal would be acceptable in this retail park. It is considered that whilst the A3 use would be a destination in its own right it will also compliment the retail function of the centre, by providing additional eating facilities. It is noted that that approval of the application could increase competition between the retail centre and the city centre. However, it is noted that drive through fast through restaurants are predominantly sited outside of city centre locations, including a KFC opposite the retail centre. Whilst the proposal would increase the range of services in the centre it is not considered that the proposed use would increase competition with the city centre given that there are similar businesses in out of city centre locations including another McDonalds on Carmarthen Road. On that basis the principle of the proposed use in this location is considered to be acceptable and compliant with LDP Policies PS2 and RC7.

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### **Placemaking/ Visual Impact**

The application site forms part of a relatively large purpose-built retail development, which is over 20 years old. The retail park contains a large Tesco store and originally contained large retail units of a consistent design, with some smaller units to the Eastern of the site. In recent years the main units have been altered with some being subdivided and others being installed with mezzanine floors, to allow multiple occupants. Whilst the front elevation of the units is generally, the same as it was originally constructed there is now additional high-level signage and front ground floor accesses. The proposed A3 unit will be sited to the North corner of the Tesco car park and result in the loss of a number of spaces to accommodate both the building and drive through.

The proposed building represents a fairly typical structure for a modern small A3 unit such as this. Whilst the proposed building appears to incorporate some different style materials than used for other buildings within the Retail Park, namely the use of timber effect cladding and engineering bricks, it is noted that the proposed unit will be separate from the other units within the park. As such the fact that it does not incorporate the same use of materials as other units is not considered to be a major issue in this instance. The proposed unit is located in quite a prominent position, however, raised from the highway and incorporates what is considered to be a relatively sympathetic palette of materials, it is not as such considered to have a major impact. The layout of the development is also considered to be acceptable, with the main entrance addressing the car park. The proposal will also see the installation of green planting on what is predominantly a tarmac car park area. The proposal is therefore considered to have an acceptable impact upon the visual character of the local area and is compliant with LDP Policy PS2.

### **Residential Amenity**

The application site is set apart from any neighbouring residential properties, and it is not considered that there would be any unacceptable impacts in regard to increased overlooking, overshadowing or overbearing. In regard to increased noise and disturbance, it is noted that the proposed development will potentially increase the volume of cars accessing the site, particularly later in the evening. However, this is a busy retail centre and the Tesco store has previously opened 24 hours 6 days a week, and on that basis it is not considered that any noise and disturbance would be significant compared to existing circumstances. Furthermore, the Authority's Pollution Control Team have raised no concerns from the proposal in regard to residential amenity impacts. The proposed development is therefore considered to have an acceptable impact upon neighbouring amenity.

### **Highway Safety**

As mentioned above and with regard to proposed signage and advertisements regarding the proposed development, a separate advert application has been submitted by the applicant to the LPA. Planning Reference No. 2021/1098/ADV for Two internally illuminated directional signs, one non illuminated banner sign and 21 non illuminated directional signs for proposed drive thru restaurant is currently under consideration.

The application site forms part of the Tesco superstore car park and will see the introduction of a seated restaurant and drive-through takeaway facility. The site and wider commercial development is popular and is directly adjacent to a major two lane highway.

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It is considered that the construction of a new A3 unit within the existing car park would create an increase in the demand for parking and reduce the available number of spaces on site, with the overall difference in Tesco parking provision would be the loss of 187 spaces, which would result in a total of 560 spaces to serve both the McDonald's and the Tesco developments. The 459 spaces within the Retail Car park would be unaffected. Therefore, the overall parking provision as a result of the proposed development would be 1019 spaces. However, it is considered that whilst the proposal will technically result in an increase in the demand for spaces, it is noted that much of the daytime use of the facility is likely to be from shared customers already visiting the shopping centre. Furthermore, the majority of additional users are likely to be in the evenings, when the site is quieter. On balance, it is considered that there would be enough spaces remaining within the site to accommodate the parking demand for the existing and proposed development. In regard to the revised layout and manoeuvres, the Authority's Highways Team have raised no objection subject to conditions and it is therefore considered that the proposal will not have an unacceptable impact upon highway safety and is therefore compliant with Policies T1, T5 and T6 of the Swansea Local Development Plan (2010-2025).

**Land Contamination**

The Authority's Pollution Control Team and NRW have advised that there is the potential that that the site contains hazardous substances that may be disturbed during construction, causing a risk to the development and wider area. To ensure that there is no unacceptable contamination or spread, any consent granted will contain suitably worded conditions. NRW and the Authority's Pollution Control Team have requested overlapping conditions, which will be combined.

**Ecology**

Policy 9 of Future Wales (in addition to Policy ER9 and the Supplementary Planning Guidance Document - Biodiversity) require 'enhancement' of biodiversity at all levels. Action shall be taken to secure the maintenance and enhancement of biodiversity (to provide net benefit) and innovative, nature-based approaches to site planning and the design of the built environment are required. It is noted that the proposed development includes the creation of landscaped areas on what is currently bare tarmac. It has been agreed with the Authority's Ecologist that this is sufficient ecological enhancement and considered acceptable green infrastructure for the proposed development.

**Response to Objectors**

In regard to the objections raised over the nature of the use, need for the development in this area, traffic and highway safety, these have been considered above. In regard to any increase in antisocial behaviour and litter, it is not considered that the development will have a significant impact to warrant refusal. Furthermore, any antisocial behaviour may be a criminal matter for the police and therefore lies outside the remit of planning legislation.

**Conclusion**

In conclusion, and having regard to all material considerations including the Human Rights Act, it is considered the proposal would have an acceptable impact on the vitality, viability and attractiveness of the District Centre and will not have an adverse impact on visual amenity, residential amenity of neighbouring occupiers and highway safety in compliance with Policies PS2, ER2, ER8, ER9, T1, T2, T5, T6, T7, RC2, RC3, RC7, RP2, RP4 and EU4 of the Swansea LDP, and the Authority SPG 'District Centres, Local Centres and Community Facilities'.



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

## RECOMMENDATION

### APPROVE subject to the following conditions:

- 1 The development 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: Phase I desk study & phase II geo-environmental site investigation REV 1 received on 4th January 2022. 7605-SA-8897-AL01H site location plan, 7605-SA-8897-P1002N site layout plans, SA-8897-P1005E building elevations, 7605-SA-8897-P1006F floor and roof plans received 1st March 2022. Drainage statement, drainage maintenance plans, 16941-VL-McD\_L01F landscape plan, 16941-VL-McD\_L02C raised planters planting plans, 16941-VL-McD\_L03C hydroplanter planting plan (SuDs) received on 15th March 2022. 7605-SA-8897-P1004L site layout plan as proposed, amended delivery management statement received on 13th April 2022.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local planning Authority. Development shall thereafter be carried out in accordance with the approve details.  
Reason: To ensure a proper standard of development and appearance in the interest of conserving the amenities and architectural character of the area.
- 4 No clearance/pruning of trees, shrubs or scrub shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.  
Reason: In the interest of protected species.
- 5 No beneficial use shall commence until a scheme for ventilation extraction, including full details of the equipment to be installed for that purpose has first been submitted to and approved by the Local Planning Authority. Details provided should include flue design, the location and noise rating of all fans/ air movement devices and odour control for the system.  
Reason: To protect the amenities of the occupiers of nearby dwelling houses.

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- 6 Prior to the beneficial occupation of the development hereby approved a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason: To protect the amenities of the occupiers of nearby dwelling houses.

- 7 Prior to the commencement of the superstructure works on site, the applicant shall submit a phased 3 report scheme based on the recommendations of the submitted document: Phase I desk study & phase II geo-environmental site investigation REV 1 received on 4th January 2022, comprising:

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

Reason: To ensure that the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are high environmental sensitivity and where necessary remediation measures and long term monitoring are implemented to prevent unacceptable risk from contamination.

- 8 Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

- 9 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

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- 10 If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.  
Reason: To ensure that the safety of future occupiers is not prejudiced.
- 11 The development shall not be brought into beneficial use until the access improvements at the Tesco access road, the development access within the Tesco car park access area and the servicing works at the existing recycling bay, have been completed and made ready for use, in accordance with plans to be submitted and approved by the Local Planning Authority.  
Reason: In the interests of highway safety and general amenity
- 12 The proposed development shall be carried out and completed in accordance with the approved parking works as stated on Drawing Ref No. 7605-SA-8897-P1004 L - Proposed Site Layout Plan dated 13 April 2022. The parking areas for car parking and cycle parking shall be made available to the public at all times thereafter.  
Reason: In the interests of highway safety and general amenity.
- 13 The proposed development shall be carried out in accordance with the approved Amended Development Management Plan received on 13 April 2022 and shall always be implemented and adhered to unless otherwise agreed by the Local Planning Authority.  
Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 14 The approved delivery management statement received on 13th April 2022 shall be adhered to throughout the construction period.  
Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 15 Prior to the beneficial occupation of the development hereby approved the landscaping shall be installed in accordance with the approved plans: 16941-VL-McD\_L01F landscape plan, 16941-VL-McD\_L02C raised planters planting plans, 16941-VL-McD\_L03C hydroplanter planting plan (SuDs) received on 15th March 2022. 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.

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- 16 Prior to the beneficial occupation of the development hereby approved further technical detail of the scissor lift type, installation, interaction with the retaining structure, exact placement in the recycle bay area and details of the means of securing it against unauthorised access shall be submitted to and agreed in writing with the local planning Authority.  
Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development.
- 17 Notwithstanding the provisions of Class A of part 3 to schedule 2 of the Town and Country Planning General Permitted Development) Order 1995 (as amended), the premises shall be used for uses within Class A3 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 or re-enacting that Order with or without modification) only and for no other purpose.  
Reason: In order to minimise the impact of the development on the vitality, viability and attractiveness of the City Centre and other district shopping centres in accordance with Policies RC1, RC2, RC3 and RC7 of the Swansea Local Development Plan 2010- 2025.

### 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: Policies PS2, ER2, ER8, ER9, T1, T2, T5, T6, T7, RC2, RC3, RC7, RP2, RP4 and EU4.
- 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 approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.
- 4 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

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The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

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

5 It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

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

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

6 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 the 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.

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- 7 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.
  - 8 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.
  - 9 During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations.  
  
During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.
  - 10 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)
  - 11 With regard to proposed signage and advertisements regarding the proposed development, a separate advert application has been submitted by the applicant to the LPA. Planning Reference No. 2021/1098/ADV for Two internally illuminated directional signs, one non illuminated banner sign and 21 non illuminated directional signs for proposed drive thru restaurant is currently under consideration.
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Item 3

Application Number:

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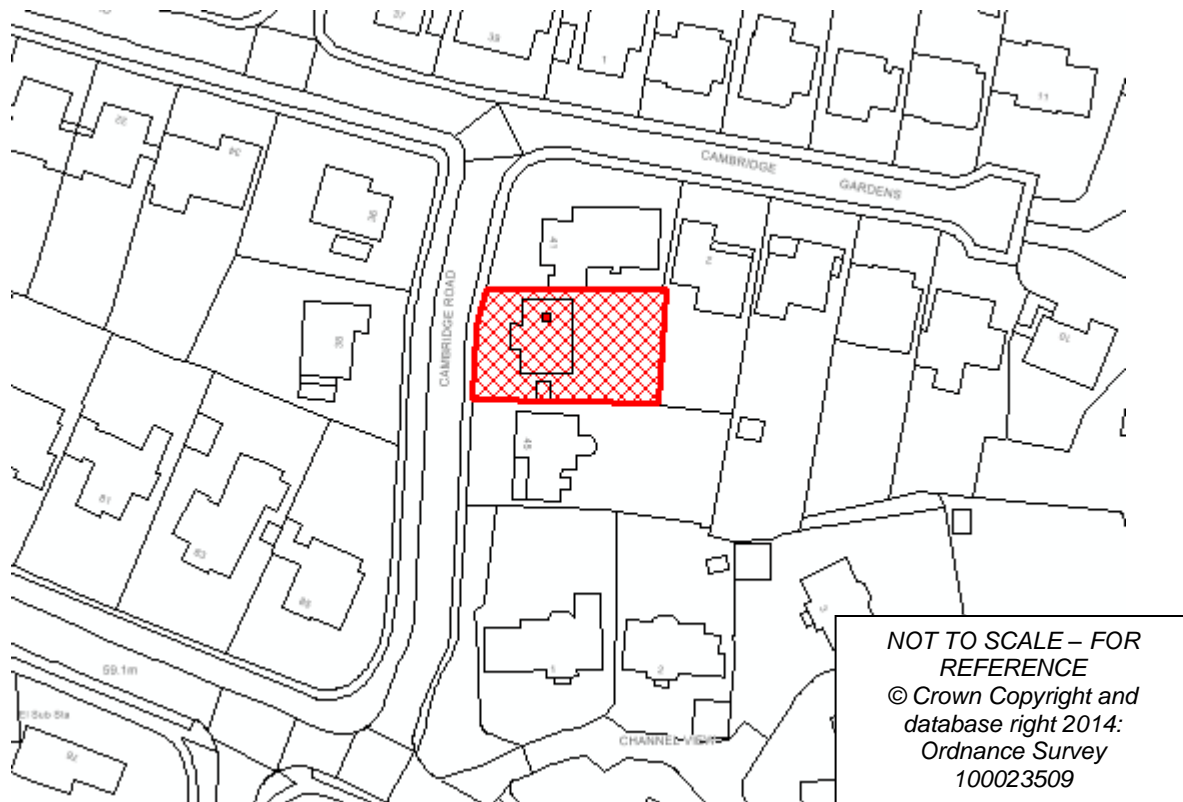
Ward:

Mumbles - Area 2

**Location:** 43 Cambridge Road, Langland, Swansea, SA3 4PQ

**Proposal:** Creation of vehicular access and single storey side extension to dwelling

**Applicant:** Mr William Thomas



### Background Information

#### **Policies**

LDP - PS2 - Placemaking and Place Management

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

#### **Site History**

##### **App Number**

2016/3055/FUL

##### **Proposal**

Front gable extension,  
front roof extension with  
balcony and rear roof  
extension

##### **Status**

APP

##### **Decision Date**

18.11.2016

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	2022/0877/FUL
2016/1305	Front and rear roof extensions incorporating a balcony to front elevation	REF 15.08.2016

### RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent on 25th April 2022. No public responses have been received.

Council's Head of Transportation and Engineering - No objection. The existing parking arrangement is being retained with a further space proposed to the front of the proposed extension. The parking area will be block paving which is permeable thus allowing adequate drainage. The front wall and other walls within the visibility splay will be no higher than 600mm to allow for visibility of traffic and pedestrians.

There are no highway objections subject to the construction of a vehicular crossing to Highway Authority Specification.

The Developer must contact the Streetworks Department, Technical Services, City and County of Swansea, Players Industrial Estate, Clydach, Swansea SA6 5BJ before carrying out any work. E-mails to [Streetworks@swansea.gov.uk](mailto:Streetworks@swansea.gov.uk).

### APPRAISAL

#### Description

Planning permission is sought for the creation of a vehicular access and a single storey side extension to 43 Cambridge Road, Llangland. The site is occupied by a detached property with a front driveway and rear garden. The streetscene is characterised by properties of a comparable scale and nature.

The application is presented to the Planning Committee for determination, due to the applicant being a Councillor (Cllr Will Thomas).

#### Issues

The main issues for consideration with regard to this application relate to the potential impacts of the proposal upon the visual amenities of the area and the residential amenities of neighbouring occupiers, having regard to Policy PS2 of the Swansea LDP, Policies 1 and 2 of Future Wales and the Council's Placemaking Guidance for Householder Development (adopted October 2021).

Enhancement/protection of ecology and biodiversity interests in respect of LDP Policy ER9, Policy 9 of Future Wales and the Council's Biodiversity and Development SPG (adopted October 2021) are also relevant.

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



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### **Visual Amenity**

The design, scale and massing of the single storey side extension is considered to represent a visually appropriate and subservient addition to the dwelling and is not deemed to detract from the character of the host property or streetscene. Similarly, whilst the creation of the vehicular access will lead to the loss of some part of an existing hedgerow, the visual impact of this is not considered to be unacceptable to the character of the host dwelling or the streetscene. The scheme is therefore considered acceptable in terms of its impact on visual amenity and compliant with Policy PS2 of the Local Development Plan (2019) and the Council's Placemaking Guidance for Householder Development.

### **Residential Amenity**

Given the scale and single storey nature of the development, together with its siting off the common boundary with No 45 Cambridge Road, there are not considered to be any unacceptable impacts upon neighbouring occupiers. The scheme is therefore considered acceptable in terms of its impacts on residential amenity and compliant with Policy PS2 of the Local Development Plan and the Council's Placemaking Guidance for Householder Development.

### **Biodiversity and Ecology**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application.

### **Access & Highway Safety**

The Council's Head of Transportation and Engineering has been consulted and has raised no objection to the proposals, stating that the scale, surfacing and visibility details are deemed compliant. The scheme is therefore considered to be acceptable in terms of access and highway safety.

### **Conclusion**

In conclusion, having regard to all material considerations including the Human Rights Act, the proposed development will have an acceptable impact upon the character and appearance of the existing dwelling, streetscene and surrounding area and will have no adverse impact upon the residential amenities of neighbouring occupiers.

**Item 3 (Cont'd)**

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Accordingly the development complies with the requirements of current development plan Policies PS2 and ER9 of the Swansea Local Development Plan (2010-2025), Policies 1, 2 and 9 of Future Wales and the Supplementary Planning Guidance documents entitled Placemaking Guidance for Householder Development (Adopted October 2021) and Biodiversity and Development.

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

**RECOMMENDATION**

**APPROVE subject to the following conditions:**

- 1 The development 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: SITE PLANS, FLOOR PLANS, PROPOSED PLANS and PROPOSAL PLANS P01, received 11th April 2022.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall thereafter be provided 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 Policy ER 9 of the Swansea Local Development Plan (2010-2025).

**Informatives**

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2

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### Item 3 (Cont'd)

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3 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.

4 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 is 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.

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