



## Planning Committee – 10<sup>th</sup> January 2023

Item 1 (Cont'd)

Application Number:

2022/2706/PNT

There will be three equipment cabinets located alongside one another, the first will measure 0.7m x 0.7m with a height of 1.1m, the second will measure 1.8m x 0.7m with a height of 1.7m and the third will measure 0.6m x 0.5m with a height of 1.5m. The proposed monopole and equipment cabinets will be finished in RAL 7035 which is a light grey colour.

### 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 13 - Supporting Digital Communications

#### **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.

EU 5 Telecommunications and Digital Technology Infrastructure - Proposals for telecommunications and digital technology infrastructure will be considered in the light of technical and operational requirements and permitted in line with Policy principles.

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### Consultations

#### Local Highway Authority

The proposed works are located on adopted highway, there seems to be a discrepancy between the proposed site plan and the site location plan with the equipment being shown closer to the boundary wall on the latter. The exact siting should be clarified by means of a dimensioned drawing.

There is no impact on visibility associated with the proposal.

The team involved with Active travel routes have been consulted and they have no planned routes in the area currently. As a form of future proofing the equipment should be set back as far as possible from the road, and as close to the boundary wall of 74 Pentregethin Road as possible.

In principle the proposed siting is acceptable however as the land is in Highways Ownership then the Developer must contact the Streetworks Department, Highways and Transportation, City and County of Swansea, Player Industrial Estate, Clydach, Swansea, SA6 5BJ before carrying out any work. Emails to [Streetworks@swansea.gov.uk](mailto:Streetworks@swansea.gov.uk).

#### Placemaking and Strategic Planning

Confirms no impact on the setting of the listed building (St Luke's Church).

#### Public Response

The application was advertised by means of a site notice placed within the vicinity of the site on 28th November 2022. On neighbouring property was also individually consulted.

19 letters of objection and a petition of objection have been received. The objections are summarised below:

- Teenagers will gather around the cabinets
- It is an eyesore
- It is a health concern
- Visually inappropriate
- Conflicts with planning policies
- Overbearing and out of character with the area
- Too near properties, school and supermarket
- 5G will impact the bee population
- Devaluation of property

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### Main Issues

The main issues for consideration relate specifically to the siting and appearance of the monopole having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

It should also be noted that as this is a prior notification application, the Local Planning Authority can only consider the siting and design of the proposed electronic communications equipment. Schedule 2 Part 24 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019 states that it is permitted development for:

Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

(a) the installation, alteration or replacement of any electronic communications apparatus

Part 24 A.1 (c) (ii) also goes on to state that a mast of up to 25 metres is permitted development.

The principle of the proposals are therefore accepted and it is noted that Policy EU5 of the LDP states that telecommunications and digital technology infrastructure will be considered in light of technical and operational requirements and would be accepted where:

- i. The development contributes towards the objectives of future proofing development and regeneration proposals or forms part of the planned development of a wider network;
- ii. The development incorporates all reasonable measures to minimise any significant adverse impact due to the siting and external appearance of the apparatus, and the design minimises impact caused by its visual appearance;
- iii. There would be no significant adverse effect on natural heritage, the historic environment, or amenity of neighbouring residents;
- iv. The application is accompanied by evidence of compliance with Government guidelines on health impacts of telecommunications infrastructure.

### Siting and Design

In terms of visual amenity and siting and design of the proposal, it is noted that there are a number of vertical features within the immediate area and whilst the proposed column would be greater in height than the existing poles within the street, it would not lead to any harmful visual clutter. The monopole would have a localised visual impact with it being primarily visible from the roundabout adjoining Carmarthen Road and it would be seen against the backdrop of residential properties as the road climbs upwards. The monopole would also be visible when viewed at the top of Pentregethin Road, however given its siting at a lower level and the intervening buildings, it would not be an incongruous feature within the landscape.

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The spatial character of the area comprises of a wide road in a busy area, there is a roundabout in close proximity to the site, alongside shops, a pub and numerous residential two storey properties. Therefore such street furniture is not unusual in built up highway situations such as this.

In addition to the above it is considered that given the surrounding urban context and the siting of the pole some distance from the listed building known as St Luke's Church, the proposals would not have an impact upon the setting of this listed building.

It is considered that the pavement is wide enough in this location to accommodate the monopole and associated ancillary works and would not present obstruction to pavement users. The proposed electronic communications equipment (pole and cabinets) will be finished in RAL 7035 which is a light grey colour and will therefore match other street furniture in the area.

Consideration should be had for the need for the installation together with its social and economic benefits, which carry significant weight. There is a strong framework of support contained within national planning policy and other documents including the Code of Best Practice on Mobile Phone Network Development for Wales 2021.

It is noted that due to the nature of 5G, the cell search area is extremely limited. The application in this case is accompanied by a detailed assessment of site selection and seeks to find an appropriate balance between operational and environmental factors; to this end a sequential approach to site selection has been adopted. Site sharing, utilisation of existing buildings and structures have all been explored to best meet the operational need whilst minimising environmental impact.

A number of alternative sites have been investigated:

- D1 - Iorwerth Street - discounted as the pavements are too narrow and there would be direct conflict with residential properties
- D2 - David Street - Discounted due overhead wires and limited space
- D3 - Robert Street - Discounted due to unsuitable pavements to construct the installation
- D4 - Courtney Street - Discounted due overhead cables
- D5 - Courtney Street - Discounted due to unsuitable pavements and visibility splay issues
- D6 - Robert Street - Discounted due to unsuitable pavements and visibility splay issues

With reference to the above and in visual amenity terms, the site is the most sequentially preferable of those indicated within the limited cell search area. It should also be highlighted that monopoles are permitted development up to a height of 25 metres and the pole proposed is 16m, the siting and design of the proposals are considered acceptable.

### **Amenity**

Whilst it is recognised that the development will be sited within the vicinity of residential properties, it will be sited in a similar location to existing lighting poles within the area and not in direct conflict with any windows to residential properties; therefore it is considered that the proposals would not result in any harmful impacts in regard to overbearing or overshadowing, particularly given there are no windows to the side elevation of No. 74 Pentregethin Road.

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It is noted that the alternative sites that have been discounted would have been proposed on narrower footpaths and in closer proximity to residential dwellings. Therefore, the proposed site is the most sequentially preferable in terms of residential amenity and providing appropriate 5G coverage and access to services. It is not considered that the proposed monopole and ancillary equipment would have a detrimental impact upon the residential amenity of any nearby neighbouring occupier.

It is acknowledged that there are often perceived health risks from such proposals. Planning Policy Wales (Edition 11, February 2021) is relevant and states that "health considerations and public concern can, in principle be material considerations. It is for the decision maker to determine what weight to attach to such considerations in any particular case...it is the Assembly's view that if a proposed development meets the ICNIRP guidelines...on the limitation of exposure to electromagnetic fields (as recommended by the Stewart Group on a precautionary basis) it should not be necessary in processing an application to consider health effects further." It adds that the Assembly has accepted the precautionary actions recommended by Stewart and there is no basis for further actions beyond those prepared. It continues, "Local Planning Authorities should not implement their own precautionary policies e.g. imposing a ban on new telecommunications development or insisting on minimum distances between new development and existing development."

In support of this current application, the applicant has submitted a statement that the proposed equipment and installation is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the ICNIRP/EU Council recommendation.

### **Highway Safety**

The Local Highway Authority raise no objections to the proposal and it is not considered that any issues in terms of pedestrian or vehicular safety would arise from the siting of the telecommunications monopole and associated ancillary equipment. It is considered that the pavement is wide enough in this location to accommodate both the proposed monopole and associated equipment.

The Local Highway Authority mentions that there is a discrepancy between the site location plan and site plan, however it is considered that the red outline on the site location plan and the siting of the equipment on the site plan correlate to one another. No further clarification was therefore sought.

### **Response to Objections**

The objections raised with regards to the health implications of the proposal have been addressed in the amenity section of this report. The objections raised with regards to siting, design and appearance have also been addressed in the main body of this report. Whilst the impact on bees has been raised as an objection, no evidence has been provided to substantiate this claim, especially in the context of this particular application. This issue has therefore been given limited weight in the determination of the application. Devaluation of property is not considered to be a material planning consideration.



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### Other Matters

The submitted Planning Statement notes that they undertook pre-application with the Local Planning Authority. The agent notified the Local Planning Authority of their intention to submit a prior notification application, the Local Planning Authority responded to this enquiry with no further comment given the submission stated that an application would be forthcoming.

It is also noted that the Planning Statement refers to the permitted development rights for England and the National Planning Policy Framework (NPPF) which is also only relevant in England. However, in reaching this recommendation the Local Planning Authority has correctly referred to the Wales Town and Country Planning (General Permitted Development) Order.

### Conclusion

In conclusion, it is considered, that the siting, design and appearance of the monopole and associated equipment cabinets and infrastructure is, on balance, acceptable. Following a sequential approach to site selection for the development, it has been demonstrated that this site would provide the technical and operating needs for effective telecommunication coverage in the area. The visual and amenity impacts arising from the development would be predominantly localised and, as such, it is considered that the siting, design and appearance of the development would not result in significant adverse effects upon the wider area or raise any overriding public amenity or safety concerns. Weight is also afforded to the need for the installation together with its social and economic benefits to the locality. Furthermore, the proposal satisfies Policy EU5 of the LDP. It is therefore considered that this prior approval application be granted.

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

### RECOMMENDATION

#### PRIOR APPROVAL IS GRANTED

### Informatives

- 1 The development plan covering the City and County of Swansea comprises Future Wales: The National Plan 2040 and the Swansea Local Development Plan (LDP) (2010-2025). The following policies were relevant to the consideration of the application:

Policies 1, 2 and 13 of Future Wales  
Policies PS2, EU5 of the LDP

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- 2 PLANS  
SWS25395\_SWS141\_TBC\_SA0757\_GA\_REV\_A 265 proposed site elevation,  
SWS25395\_SWS141\_TBC\_SA0757\_GA\_REV\_A 002 site location plan,  
SWS25395\_SWS141\_TBC\_SA0757\_GA\_REV\_A 215 proposed site plan, received 15th  
November 2022.
  - 3 The Developer must contact the Streetworks Department, Highways and Transportation,  
City and County of Swansea, Player Industrial Estate, Clydach, Swansea, SA6 5BJ  
before carrying out any work. Emails to [Streetworks@swansea.gov.uk](mailto:Streetworks@swansea.gov.uk).
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Item 2

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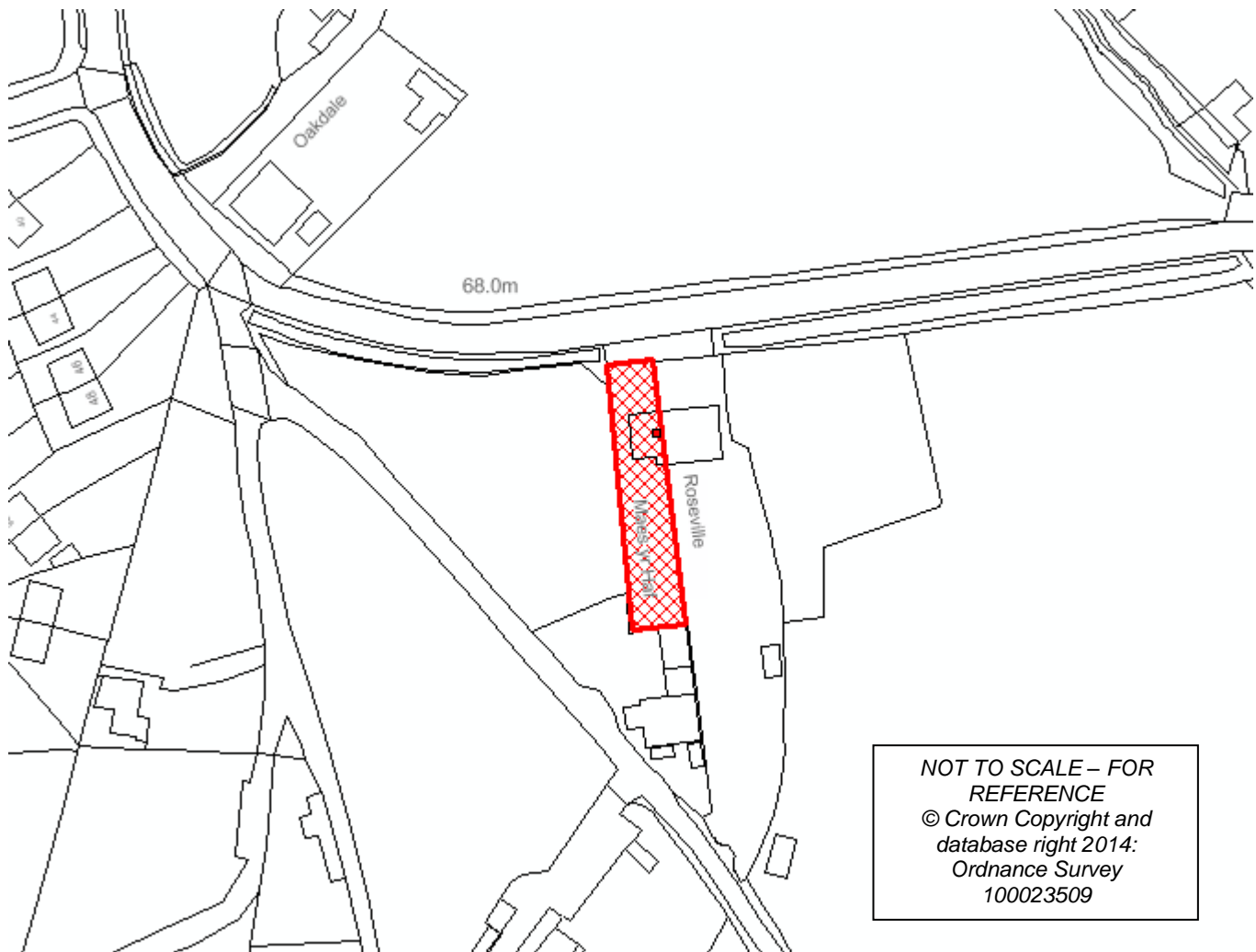
Ward:

Bonymaen - Area 1

**Location:** Maesyrfaf, Ty Draw Road, Bonymaen, Swansea, SA1 7BB

**Proposal:** Single storey side/rear extension incorporating an integral garage

**Applicant:** Mr & Mrs Bradford



### BACKGROUND:

This application is reported to Committee as the proposal is considered to be a departure from the provisions of the Local Development Plan and is recommended for approval.

### Site History

2004/0282 - Maesyrfaf, Bonymaen - Incorporation of land into residential curtilage with a two storey side extension and construction of a detached double garage. Application was refused planning permission on 6th April 2004, for the following reasons:

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1. *The proposed incorporation of land into the residential curtilage of the dwelling known as Maes-yr-Haf is considered to represent a non-essential and intrusive form of development within the countryside which would be detrimental to the character and appearance of the Kilvey Hill/Crymlyn Bog Green Wedge. As such the proposal is contrary to Policies C1, C4, C5 and C6 of the West Glamorgan Structure Plan and Policies CL1 and NE1 of the Swansea Local Plan Review No. 1.*

2. *The proposed development of the garage and two storey extension represent an intrusive form of non-essential development within the open countryside which detracts from the character of the designated Kilvey Hill/Crymlyn Bog Green Wedge contrary to Policies C1, C4, C5 and C6 of the West Glamorgan Structure Plan Review No.2 and Policies CL1 and NE1 of the Swansea Local Plan Review No.1.*

3. *The two storey side extension, by virtue of its scale, design and siting up to the front building line of the property, will result in an over dominant and visually obtrusive extension that will not respect the character and appearance of the original house. As such the proposal fails to comply with the criteria of the Council's Household Extensions Design Guide.*

### Site Location

The application site comprises a semi-detached property sited on Ty-Draw Road, Bonymaen. The property benefits from a side driveway/hardstanding which provides off-road parking. The rear garden amenity is relatively long.

### Description of Development

Full planning consent is sought for the construction of a single storey side/rear extension incorporating an integral garage. The proposed extension will approximately measure 4m wide, 11.2m deep, before wrapping around the rear elevation of the host, with a rear width of 6.8m, projecting 3.8m from the rear elevation of the host. The roof will be designed with a hip with a ridge height of 3.6m and an eaves height of 2.3m. A garage door will serve the front elevation of the proposed extension, serving an integral garage, utility room with toilet, and a family room towards the rear of the extension.

This application also includes an incorporation of land of approximately 1m wide by 18m deep. The land being acquired is to form part of the residential curtilage of the property. This small strip of land appears to be overgrown with vegetation on the periphery of a small field which appears to be used for grazing by horses.

### Relevant 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 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 (Edition 11) February 2021

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.

### Swansea Local Development Plan (LDP) (2010-2025)

Policy PS 2 states that "development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place." It continues all proposals should ensure that no significant adverse impacts would be caused to people's amenity."

Paragraph 2.2.11 of the LDP states "poor design not only detracts from the character and appearance of an area, but can harm the neighbour's quality of life. Potential impacts on people's amenity will be assessed by considered elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements."

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 networks. Development that could have an adverse effect on such networks and features will only be permitted where specific criteria are met relating to need and impact mitigation/compensation.

CV 2 Development in the Countryside - Outside defined settlement boundaries development will be required to ensure that the integrity of the countryside is conserved and enhanced.

### Supplementary Planning Guidance

The Placemaking Guidance for Householder Development (adopted 2021) is supplementary design guidance (SPG) that emphasises the need to achieve a good standard of design within all householder type development and provides further information and guidance to clarify the policy aims of LDP Policy PS 2.

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The Council's Biodiversity and Development (2021) SPG provides guidance to augment Policies ER 6, ER 8 and ER 9 of the LDP, and provides clarity on the interpretation of those policies, in order to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. The document sets out the requirement to follow the stepwise approach in relation to the consideration of developments including, where necessary, the requirement for ecological mitigation and enhancement measures. This aligns with the Council's duties under s.6 of the Environment (Wales) Act 2016 and the Resilient Wales Goal of the Well-Being of Future Generations Act 2015, and is consistent with National Development Plan (Future Wales) Policy.

### **Consultations**

Neighbour notification letters were sent on 13th September 2022.

The proposal was advertised on site on 19th December 2022 by virtue of a site notice.

The proposal was advertised in the press on 19th December 2022.

### **Consultation Responses**

At the time of writing, no adverse comments have been received from members of the public.

## **APPRAISAL**

### **Main Issues**

The primary issues in the consideration of this application site relate to the impact of the proposed development on residential and visual amenity and the need to ensure that the integrity of the countryside is conserved and enhanced, having regard to the prevailing provisions of the relevant LDP Policies and National Planning Guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Regard has also been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principles, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). As part of the assessment of this application, the Local Planning Authority has taken into account of the ways of working set out at Part 2, Section 5 of the WBFG Act to ensure that the recommendation is in accordance with the sustainable development principles 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.

### **Placemaking/Visual Impact and Impact on the Countryside**

A previous application was refused on the basis that the proposed development represented a non-essential and intrusive form of development within the countryside which would be detrimental to the character and appearance of the Kilvey Hill/Crymlyn Bog Green Wedge (2004/0282 refers). That application was materially different to this latest application since it was for a two storey side extension, detached double garage and the incorporation of the entire section of land to the west of the property into their residential curtilage, which under the old Unitary Development Plan, was previously considered to be within a green wedge.

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With regards to the proposed single-storey side/rear extensions, this is much smaller in scale than the previous application. Despite the extension measuring over half the width of the host property, and marginally projecting beyond the wall of the existing side driveway, it is considered that it would be moderate in scale and subservient to the host. Its roof design helps to effectively integrate the extension to the host and will have significantly less of an impact than the two storey side extension of the adjoining neighbour, to which an attached garage is also apparent.

The host property is externally finished in render with a slate roof and windows and doors are generally oak uPVC. Some but not all the external finishes of the proposed extension that have been stated on the submitted plans would match the host property. As such, it is considered necessary, in the interests of visual amenities, to impose a condition which ensure that all external finishes match the host property. Subject to this, it is considered that the proposed extension would not be unduly detrimental to visual amenity. The proposal is therefore considered to have an acceptable impact on the character and appearance of the host dwelling and streetscene, corresponding with Policy PS 2 of the Swansea LDP and the design principles of the SPG.

Whilst this latest proposal would involve incorporating a section of land within the residential curtilage of the property, it is significantly less than within the previous application and only marginally protruding beyond the existing residential curtilage. The proposed incorporation of land will run alongside the side elevation of the proposed extension, projecting approximately 1m into the countryside with a depth of 18m. This narrow strip of land would have a functional purpose as it would enable the property to retain an external walkway around the side of the new extension from the front to the rear garden.

The site is in the countryside where development is generally strictly controlled unless for appropriate countryside purposes and uses. Policy CV2 of the LDP establishes the criteria for acceptable development in the countryside. The inclusion of land into the residential curtilage of the property is not specified by Policy CV2 as being one of the exceptions therefore this aspect of the proposal does not strictly satisfy the requirements of the Policy and is considered to represent a departure from the LDP. However, it is noted that one of the key principles of Policy CV2 is to ensure that the integrity of the countryside is conserved and enhanced.

In the context of this application, the narrow strip of land is currently overgrown with vegetation on the periphery of a small field which appears to be used for grazing. This strip appears to be underutilised and does not form a prominent or significant part of the countryside. Due to its small size and being immediately adjacent to the host property, it is not deemed to be a beneficial contributor to the character and appearance of the wider countryside. When viewed from Ty Draw Road or Coch y Cwm Road, this strip of land is already seen in context with physical development, particularly due to the presence of the application property and the adjoining property.

It is therefore considered, on balance, that the proposal, in this particular instance, would not be prejudicial to the purpose of Policy CV2 of LDP and that the integrity of the countryside would be reasonably conserved. A condition to secure ecological enhancements could, to some degree, provide a benefit to the wider countryside.

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### **Residential Impact**

The application site shares its boundary with Roseville. The proposed single storey side/rear extension and curtilage extension is predominantly sited on the opposite side to the adjoining Roseville. Additionally, the rear element of the proposed extension is sited circa 3.7m off the common boundary with Roseville which, alongside its moderate scale, will result in no detriment to the residential amenity of this neighbouring property.

The side-facing window of the family room in the rear part of the proposed extension would be reasonably screened from the neighbouring property by an existing outbuilding and hedgerow. All other windows would either face its own rear garden or the countryside.

Having regard to the above, it is considered that the proposal satisfies Policy PS 2 of the Swansea LDP and the design principles of the SPG.

### **Highway Safety**

Despite using a section of off-road parking amenity, the incorporation of an attached garage is considered to mitigate this potential loss in off-road parking amenity. Therefore no highway safety concerns arise.

### **Ecology and Ecological Enhancement**

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.

The applicant has acknowledged this and included a scheme which will contribute towards securing a net benefit. A Swallow Nest Box will be sited on the side elevation of the host. The Council's Ecologist is satisfied with this ecological enhancement measure.

### **Other Issues**

The application site lies within 500m of a scheduled ancient monument (SAM). Given the scale/nature of the development, separation distance, intervening vegetation and array of properties between the SAM and the application property, it is not considered that the development is likely to be visible from, or have any impact upon, the SAM.

### **Conclusion**

Having given regard to all relevant material factors, the proposal is considered to be acceptable in respect of Policies PS 2 (Placemaking and Place Management), ER 9 (Ecological Networks and Features of Importance for Biodiversity) of the Swansea Local Development Plan (2010-2025) and the supplementary planning guidance document entitled "Placemaking Guidance for Householder Development".



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Despite an aspect of the scheme conflicting with Policy CV 2 (Development in the Countryside) of the LDP, it is considered on balance, that the proposal, in this particular instance, would not be prejudicial to the purpose of this policy and that the integrity of the countryside would be reasonably conserved.

### 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:  
  
2247-01 (Location Plan), 2247-03 (Proposed Floor Plan and Elevations), 2247-04 (Proposed Block Plan) received 9th September 2022.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the submitted plans, the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building, and shall be applied prior to the first beneficial use of the development hereby permitted.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 4 The Ecological Enhancement comprising a Swallow Nest Box as indicated on Drawing No. 2247-03 (Proposed Floor Plan and Elevations) received 9th September 2022, shall be installed prior to the first beneficial use of the development hereby permitted and retained thereafter for the lifetime of the development.  
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policy 1, 2, 9.  
  
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 PS 2 and ER 9 of the Swansea Local Development Plan 2010-2025.
  - 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 3

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2022/1149/FUL

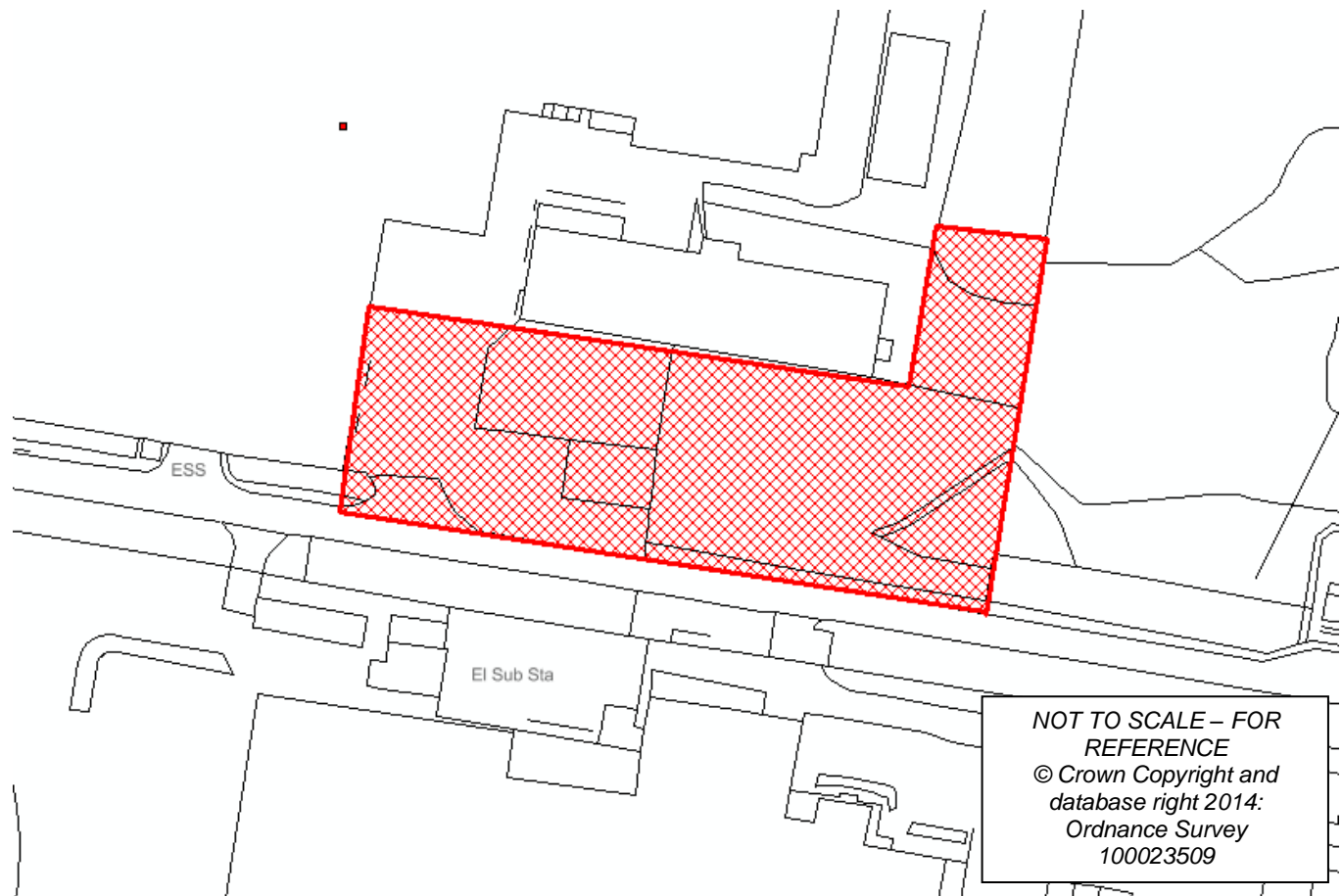
Ward:

Wauanarwydd - Bay Area

Location: Timet, Titanium Road, Wauanarwydd, Swansea, SA5 4BT

Proposal: Production building linked to existing service centre building

Applicant: Timet UK Ltd



### Site Location

The application site is positioned within the Swansea urban area, within an established industrial centre and the local ward of Wauanarwydd. The given address is: Timet, Titanium Road, Wauanarwydd, Swansea, SA5 4BT.

### Description of Development

This application seeks full planning permission for a detached production building linked to the existing service centre building.

The site is part of the wider Timet site and is currently undeveloped with areas of hardstanding, trees and vegetation located within the vicinity of the site.

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The applicant has advised that the proposals are required in order to accommodate an expansion of their service and construct specific air plane parts and will create 12 full time jobs.

The proposed building will be of an industrial warehouse style with a pitched roof design, external cladding, with roller shutter service doors, pedestrian doors and few windows. The building is in two parts a larger warehouse style with two projections, the proposed building will abut its neighbour with no internal connections. The main building structure will measure 10.5m in height (8.3m to the eaves), with a total width of 42.5m and length of 102m and will cover a floor space of approximately 4,335m<sup>2</sup>.

Access to the site is via the existing controlled/manned access point off the end of Titanium Road with an existing on-site car park available for up to 243 private cars and cycle storage located at the front of the building.

The following documents have been submitted in support of the application:

- Planning, Design and Access Statement
- Preliminary Ecological Report
- Drainage Strategy
- Flood Consequence Assessment
- Ground Investigation Report
- Noise Assessment
- Pre Application Consultation Report

### Relevant Planning History

There have been a number of previous planning applications on this site which are listed below:

Planning application 2005/2669 approved permission for a single storey extension to offices at the site.

Planning application 2007/0732 approved permission for an extension to A and B bays on western elevation, extension to D, E and Y bays on eastern elevation (Class B2 - General Industrial) together with new industrial access road and service yard.

Planning application 2007.0738 approved permission for the installation of an electricity sub-station.

Planning application 2008/0519 approved permission for the siting of 3 smoking shelters.

Planning application 2011/1430 for an extension to Z bay, addition of a pitched roof to the existing bay and a new access and parking area was granted permission on 18th April 2012.

Planning application 2011/1431 for single storey extensions to X and Y bays was granted permission on 18th April 2012.

A certificate application (2013/0409) for the retention of an external flue was found to be lawful on 1st May 2013.

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Planning application 2015/0978 for a gas fuelled capacity mechanism, embedded power plant including gas governor and kiosk, sub-stations, generators, transformers, switchgear cabin, welfare cabin, acoustic fencing and security fencing was granted permission on 26th June 2015.

A discharge of condition application (2015/2251) to discharge conditions 2, 3, 4 and 5 of planning permission 2015/0978 was approved on 18th January 2016.

A certificate of proposed lawful development (2017/2194/PLD) for a single storey rear extension and the addition of a glazed canopy building was found to be lawful on 20th December 2017.

Planning application 2018/0983/FUL for the addition of 6 combined flue stack systems to a maximum height of 10m was granted planning permission on 28th June 2018.

Planning application 2021/0895/FUL for a detached steel frame building to house swarf compound was granted planning permission on 10th June 2021.

Planning application 2021/0895/FUL 2021/1794/FUL for the construction and installation of water pump house, two water storage tanks, new water surface disposal system and sprinklers to provide fire protection across site with associated landscaping was granted planning permission on 8th September 2021.

A discharge of condition application (2021/1970/DOC) to discharge conditions 3, 4 and 5 of planning permission 2021/0895/FUL was approved on 22nd December 2021.

### Planning Policy

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

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 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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.

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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.

### Environmental Sustainability

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

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

### Community Safety

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

### Car Parking

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

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development.

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Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

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

### Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

### Trees, Woodlands and Hedgerows

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

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

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

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans

### Sustainable Drainage Systems (SuDS) and Development

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

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

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

### 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 multi-functional 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.

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

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

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

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

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

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

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



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

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

RC 10 Employment and Enterprise Development - Land which is in active, viable employment use is considered part of the County's employment land bank and will be protected for B Class employment generating uses. Proposals outside of these areas will need to demonstrate why the proposal cannot reasonably be located within an existing employment area, or designated Strategic Development Areas having regard to the nature and scale of the scheme.

SD H Site specific policy for Strategic Development site North of Waunarlyydd/Fforestfach

Supplementary Planning Guidance (SPG):

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

- City and County of Swansea Parking Standards (2012)
- The Protection of Trees on Development Sites (2016)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

### **Consultations**

CADW

This planning application is for a Production building at Timet, Titanium Road, Waunarlyydd, Swansea, SA5 4BT.

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Located within a 2km buffer of the application area are scheduled monuments:

GM199 Garn Goch Round Barrow

GM269 Mynydd Carn-Goch Roman Earthworks

GM502 Roman Practice Camp on Stafford Common

Intervening topography, buildings and vegetation mean it is unlikely that the proposal will be inter-visible with the scheduled monuments. Therefore, it is unlikely that there will be any effect on the settings of the scheduled monuments.

Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust [www.ggat.org.uk](http://www.ggat.org.uk)

Welsh Water

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response (Ref: PPA0006477) has been acknowledged and included at Appendix 3 of the accompanying Pre-Application Consultation (PAC) Report, which highlights that domestic foul only flows can be accommodated within the public sewerage system whereas any trade effluent flows will require consent under Section 118 of the Water Industry Act 1991, which is independent of the planning process. Notwithstanding this, in accordance with the Burry Inlet Memorandum of Understanding (MoU), our response also highlighted there would be a requirement to implement a strategy for surface water removal to deliver sufficient compensation for foul flows.

Turning to surface water drainage, we remind that proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010 and that Dwr Cymru Welsh Water is a statutory consultee and will provide comments to any SuDS proposals by response to SAB consultation. Notwithstanding, with respect to our PAC response, we acknowledge the application is accompanied by the same drainage strategy (Ref: HCE-1546-CVD-SKO1) which indicates proposals to dispose surface water flows to a watercourse and in principle we offer no objection subject to consultation with the SAB.

In addition, whilst a domestic supply of potable water may be able to be provided from the public watermain network to the development, our response also highlighted the requirement to undertake an assessment to serve the wider site with an adequate water supply, which is understood to include fire flow protection. However, we advised the developers that fire flow protection is the responsibility of the appropriate regional fire services, and not that of DCWW to provide suitable fire flows.

Therefore, whilst we cannot advise of the need to a hydraulic modelling assessment, we recommend a condition for a scheme to secure an adequate potable water supply to site along with the following Conditions and standard Advisory Notes, if minded to grant planning permission, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

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### Conditions

No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, must be submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling hereby approved shall be occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.

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

No development shall take place until a potable water scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the proposed development site can be served by an adequate water supply, including fire flow protection. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

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

### Placemaking and Strategic Planning

The application site is located with the area that is the subject of LDP Policy SD H, specifically within the area highlighted for employment and regeneration uses. There is a specific policy requirement to "face .... employment buildings onto streets .... To ensure a positive relationship, community safety as well as strong sense of place". The proposed production facility building broadly addresses this policy requirement with the pedestrian entrance and first floor office/meeting room on the south elevation and has potential to create active industrial frontage plus a much improved 'front door' for the industrial operator. This provides a much higher quality public elevation that reflects the spine street which is planned to run past this frontage as shown in the SD H Concept Plan. The proposal is broadly supported in placemaking and heritage terms but there are a few aspects to explore for the south elevation and future spine street frontage, and the following points need to be addressed:

- There is a question whether additional windows or features could be included to break up the main elevation, plus is there scope to include planting to soften this elevation onto the future public access spine street?
- The proposed elevations do not show any colour however the 3d image within the planning statement shows there is an intent to enliven the building. It would be beneficial for colour proposed elevations to be provided to give certainty and the need for colours on the elevation can be required via condition.

Part of the undeveloped area in the eastern end of the site appears to be within a Site of Importance for Nature Conservation (SINC) therefore the comments of the Council's Ecology Officer will be important for informing the application.

### NRW

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the above, which we received on 24th October 2022, with further information received on 14th November 2022.

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

We also continue to advise that based on the information submitted to date, the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this document we would object to this planning application.

Document: 'Outline Construction Environmental Management Plan for New Production Facility - Titanium Road, Waunarlwydd, Swansea' by HCE, dated 11th May 2022 (reference HCE-1546-PLA-001).

#### Flood Risk

We have reviewed the revised Flood Consequences Assessment (FCA) by HCE, dated October 2022 (reference: HCE-1546-FCA-001). This follows our comments made in our previous response letter dated 29th July 2022 (our reference: CAS-192799-M6V0).

The FCA continues to be informed by NRW's Flood Risk Assessment Wales (FRAW) map data, which, as previous highlighted in our statutory pre-application consultation response (dated 11th March 2022, our reference: CAS-182390-M1R0), should not be used to inform the planning process. This is also referenced within the FCA itself in section 6.2. We advise that the FRAW maps do not include climate change predictions, unlike the Flood Map for Planning (FMfP), therefore the FCA still hasn't provided an adequate assessment of flood risk. We reiterate that the maps need to be updated and continue to advise that evidence needs to be submitted to demonstrate the development's compliance with section A1.12, and tables A1.14 and A1.15 of Technical Advice Note (TAN)15.

We also note that section 2.0 'Scope of the Report' outlines the consultant's anomalies with the FMfP based on their topographical survey. Page 5 of the FCA then states that "Whilst we have considered and reviewed the FMfP as part of the FCA as required by Welsh Government Minister guideline, due to the queries raised above regarding its veracity, the FCA shall use the DAM Map and TAN15 2004 for assessing flooding consequences on site which is the approved legal framework for assessing flood risk." We advise that the results of the topographical survey carried out are not considered acceptable evidence to prove the FMfP is inaccurate or unreliable. As advised in our previous response letter dated 29th July 2022, if the Applicant wishes to formally challenge the FMfP, they can do so via this link [Natural Resources Wales / Challenging our flood maps](#) .

Section 6 of the FCA acknowledges that NRW have a 1D HEC-RAS model which was completed in October 2007 for the Afon Llan, and that due to the age and outputs of the model, updating of model parameters is likely to be required if hydraulic modelling is undertaken. We agree with this conclusion.

We therefore advise that the Applicant has not addressed the concerns we raised at both the statutory pre-application consultation stage and previous consultation with your Authority, and therefore our previous comments in both aforementioned response letters remain valid (these are enclosed for reference). We are therefore unable to provide an informed response on flood risk at the site until your Authority receives the requested information on flood risk.

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### Land Contamination

We previously advised that due to hydrological linkages to a watercourse network and the existing industrial use of the site, that we couldn't rule out risks to controlled water as no land contamination information was provided to support the application. Our advice was that as a minimum a Preliminary Risk Assessment (PRA) should be submitted to support the application and technical advice was given on the content of the PRA.

We therefore welcome the submission of the PRA, dated November 2022 (Report No. Q0760/PRA) and the 'Ground Investigation Report', dated June 2022 (Report No. Q0760/GIR Revision 2), both by Quantum Geotech. Based on the information provided in these reports, we advise that there does not appear to be a risk to controlled waters and therefore have no concerns to raise on land contamination for this development.

### Protected Sites

The ditch network on and adjacent to the site provides a hydrological link to the Afon Llan (a main river), which then connects to the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar, and the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI).

Your Authority as the Competent Authority for the purposes of the Conservation of Habitats and Species 2017 Regulations must not agree to any plan or project unless you are certain that it will not adversely affect the integrity of a protected site. You should carry out a test of likely significant effects (TLSE) for the above sites, which is required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This test applies to impacts on the sites from the proposed works, either alone or in combination with other plans and projects. If the test concludes there is likely to be a significant effect, then an appropriate assessment of the impacts on the protected sites from the proposed works, either alone or in combination with other plans and projects, will be required.

Due to the development's scale and nature, and proximity to the watercourses, there is a potential pathway for pollution from the development to enter and affect the water environment. We welcome the provision of the supporting document entitled 'Outline Construction Environmental Management Plan for New Production Facility - Titanium Road, Waunarwydd, Swansea' by HCE, dated 11th May 2022 (reference HCE-1546-PLA-001) which sets out the pollution prevention measures proposed to be implemented to protect the environment during construction works which includes diverting the ditch on site.

Providing these measures are adhered to, we consider that the proposal is not likely to have a significant effect on the above protected sites. We advise your Authority that the CEMP document should be included in the approved plans and documents condition on the decision notice of any planning permission granted.

### Ecology

We have reviewed the report entitled 'Preliminary Ecological Report' by Bay Ecology, dated 8th February 2022, which concludes that no evidence of protected species (including their breeding and resting sites) under our remit were found using the development site.



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We welcome the recommendation to carry out a follow up visual/endoscope survey of the trees prior to their sectional felling as detailed in section 5.2 of the report and for the retention of dark corridors where possible along the ditch/watercourse network. We advise you discuss and agree any landscaping and ecological enhancement proposals with your Authority's Ecologist.

### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

### Advice for the Developer

#### Environmental Permit

The Timet UK site is currently regulated by NRW under the Environmental Permitting (England and Wales) Regulations 2016. The proposals will require a permit variation prior to construction and operation of the proposed production building. The Applicant should therefore contact our South West Wales Industry Regulation Team by emailing [industryregulation.swwales@cyfoethnaturiolcymru.gov.uk](mailto:industryregulation.swwales@cyfoethnaturiolcymru.gov.uk) to discuss this further.

#### Ecology

The application site is entirely within the Penyfodau Fawr to Llewitha Site of Importance for Nature Conservation (SINC) and the development must therefore comply with Policy ER6.

Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following: Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

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

In assessing the potential harm the Council will consider:

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

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No objection has been raised to the proposed development subject to a number of conditions and advisory notes.

### Drainage

After initially raising concerns over the proposal and requesting further details, the Authority's Drainage Officer confirmed that the corresponding SAB Application has been approved and therefore there were no concerns or suggested conditions for this application. The Drainage Officer, however, did support the NRW objection, in regard to potential flood risk.

### Highways

The PAC document claims that the Highway Authority were consulted but failed to provide any comment. I can confirm that the PAC did not reach Highways DC and as such no comments were made, or advice given.

The planning application states that there is an additional 123 square metres of floor space being proposed but the plans indicates a building nearly 4000 square metres in size. The size of the development was such that a Transport Statement (TS) should have been provided. A TS has subsequently been prepared and submitted in support of the planning application. Ongoing dialogue has been undertaken with the Agent and additional swept paths have been provided. Clarification has been provided with respect to access/egress and the route of construction vehicles, which is confirmed to be solely off Titanium Road.

Access to the proposed site use the existing controlled/manned access point off the end of Titanium Road. The existing site generates significant traffic movements and there are well established internal traffic routes within the site. Titanium Road, Ystrad Road, Bruce Road and the Kingsway are the local roads used to access the site and they are all laid out at 7.3m width which is the standard for industrial estates, with footways to cater for.

Analysis of reported accidents was included (using crashmap) covering Jan 2016 to June 2021. A total of four accidents were assessed and there were no overriding causation factors that would have any impact on the continuation of the use of the access roads.

The new dedicated production cell building is required to fulfil a significant order with a client in the global aerospace industry. 12 full time jobs will also be created.

Post Construction the new facility will attract an additional 16 two way private car movements and 1 additional HGV Movement a day, this is considered negligible in relation to the existing traffic movements generated by the site. On site car parking is available for upto 243 private cars which is more than adequate to cater for the staff (who are not all on site at the same time). Cycle storage is also available at the front of the main office block which will help to promote sustainable travel.

The internal loop road is currently used by HGV's and this will continue to be the case. There is a minor alteration proposed within the site to facilitate easier access/egress but this is remote from the Strategic Highway Network and as such has no bearing on highway safety.

In summary the TS has demonstrated that the introduction of the facility will not have any impact on existing highway safety.



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I recommend that no highway objections are raised to the proposal subject to all movements being solely off Titanium Road.

### Trees

The Authority's Ecologist has confirmed that the proposed replacement trees are broadly acceptable, however additional information is required in regard to stock type and transplant protections. Therefore a landscaping condition has been requested.

### Public Consultation

The development was advertised on site with a notice and the application was also advertised in the Press on the 1st July 2022. No responses were received to the public consultation.

## APPRAISAL

This application is being reported to Planning Committee for decision as it constitutes major development

### Main Issues

The main issues to consider in the determination of this application relate to the principle of development, visual amenity, residential amenity, highway safety, ecology, drainage, impact on trees and flood risk, having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### Principle of Development

The application site is within an established industrial estate and will support an existing active business. The current use is as a specialist manufacturing facility for the construction of aeroplane and car parts. The proposed development will see the construction of an additional manufacturing unit to service a new contract for aeroplane parts, which will create 12 full time jobs.

The site also forms part of the Strategic Development Area H allocated in the LDP for a comprehensive mixed use development of circa 716 homes during the Plan period, incorporating public realm, a Primary School, commercial units, community buildings and a Regional Employment Site with 26 hectares of potential development areas that could accommodate appropriate B1, B2 and B8 uses. LDP Policy SD H sets out detailed Placemaking Principles and Development Requirements for the site, including the following:

- Retain existing businesses and create a site for regional employment
- Face homes and employment buildings onto streets and open spaces including the river corridor, to ensure a positive relationship, community safety as well as a strong sense of place
- Create an accessible site which integrates positively with existing communities, public transport facilities, and Active Travel.
- Off-site highway infrastructure improvements as necessary, having regard to requirements arising from the necessary Transport Assessment, and as set out in the Transport Measures Priority Schedule.

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- On and off-site measures to provide good quality, attractive, safe, legible and accessible pedestrian and cycle linkages both to and within the new development area in accordance with Active Travel Design, should include the linkages set out in the Transport Measures Priority Schedule
- Incorporate existing PROW within the development by appropriate diversion and enhancement to form legible and safe routes.

LDP Policy RC10 also requires that land in active viable employment use should be protected for Class B employment. The proposed development is considered to fall within Use Class B2 General Industrial, and therefore would be compliant with RC10. It is also considered that the proposal is broadly compliant with SD H, with the visual impacts of the proposal to be discussed below. Finally it is considered that the proposed development will provide social and economic benefits, through the creation of bespoke and skilled employment opportunities.

It is therefore considered that the proposed siting of the proposed industrial unit in this location will be acceptable in principle and compliant with relevant LDP Policies.

#### Placemaking/ Visual Impact

The Application site is positioned within an industrial centre, which is currently gated and requires permission for access. The site and immediate area predominantly comprised of relatively large industrial buildings and it is therefore considered that the scale and design of the proposal would be broadly in-keeping with the visual character of the area. Whilst the building is relatively large it is considered that the site is large enough to accommodate the development.

LDP Policy SD H requires that employment buildings face into the street to provide an active frontage to ensure community safety and a sense of place. The building is positioned close to and orientated towards the street with its pedestrian access. However the building lacks windows and would fail to create a level of overlooking and activity the policy is seeking. Whilst this is noted, the buildings use would not allow for additional windows, due to the sensitive nature of the materials being manufactured and a need for a controlled environment. It is considered that this element of the policy is less applicable to industrial buildings within the established centre. Furthermore the proposed social and economic benefits are considered to outweigh the benefits that additional windows would provide.

The external materials are considered broadly acceptable, however details of the colours will need to be agreed, and this will be secured by condition. The proposed building would not currently have significant visibility from public vantages. This could change in the future, if the access road was used to serve a wider mixed residential development, as per Policy SD H. However the design and scale of the building, particularly in this existing industrial centre, would not have any unacceptable visual impact on the wider area, and therefore is considered to be compliant with relevant LDP Policy.

#### Residential Impact

The application site is set well away from existing neighbouring residential properties and it is not considered that there would be any unacceptable impacts in regard to overlooking, overbearing and overshadowing. It is noted that the redevelopment of the area under Policy SD H could result in a closer proximity of residential units to the site, however it is not considered that the approval of this application would prejudice future residential development.

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The nature of the development could result in additional noise disturbance, both from manufacturing and from vehicle manoeuvres, however this is an established industrial centre where uses such as this are existing, suitable and encouraged. On that basis it is not considered that any noise and disturbance would be unacceptable in this location. The proposal is therefore considered to have an acceptable impact on residential amenity and is compliant with relevant LDP Policy.

### Highway Safety/ Active Travel

The application site is well served by a large car park and it is considered that the available parking is more than sufficient to serve the existing and proposed demand from the new building. It is also considered that the proposed access roads are sufficient to meet the service vehicle needs of the development. On that basis the Authority's Highways Officer has raised no objection and the development would not have any unacceptable impacts upon highway safety.

### Ecology

The application was supported by an ecological assessment which found that the site comprises a deciduous woodland block and drainage channel. The vegetation of greatest ecological value comprise the semi-mature oak trees sporadic within the site. The site is used for foraging by bats, but no roosting features were recorded. The site receives significant amounts of light spillage from exterior lighting fixed to the neighbouring factory units, this is considered to likely limit the use of the site by bat species and other mobile species such as otter. The site has potential to support reptiles and breeding birds. Dormouse and great crested newt are now considered absent from the site. The site forms part of a larger Site of Importance for Nature Conservation designation.

The ecological assessment suggests a number actions including the need for a Construction Environmental Management Plan (CEMP) which should incorporate a reptile mitigation strategy, lighting plan to minimise the use of artificial lighting and measures to prevent the spread of Himalayan balsam. The document also advised that a visual/endoscope survey to identify any roosting bats be undertaken prior to any felling and logs left in situ for 24048 hours, with any evidence of bats to result in consultation with NRW and cessation of works. Other recommendations include ecological enhancements within the site which could include bat and bird boxes installed on retained trees.

The application includes details of ecological enhancement, such as a green roof, and details of mitigation of the loss of trees. The green roof can be considered an acceptable provision towards green infrastructure. The Authority's Ecologist has raised no objection to the proposals, subject to condition and on that basis the proposal is considered to have an acceptable impact on local ecology.

### Drainage

The application is supported by a drainage strategy, drainage plans and a corresponding SAB Application was undertaken whilst this application was being considered. During the course of the application the Authority's Drainage Officer, raised a number of concerns with the proposal, which resulted in the submission of revised drainage details. Following the final set of revisions the Authority's Drainage Officer confirmed that the SAB Application has been approved, that there were no objections to the planning application and no suggested conditions.

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### Trees

The proposal will result in the loss of a number of trees on site, none of which are protected or considered to have a significant value. LDP Policy ER11 and the Authority's Trees SPG require that any loss of trees on site be suitably mitigated with compensatory planting. In that regard the Authority's Arboriculturalist considered that the proposed mitigation was acceptable and in compliance with requirements. However in terms of the details submitted it was not considered that there was enough information and has requested that any consent be supported with a landscaping condition to ensure that the proposed species type and planting methodology are acceptable. On that basis it is considered that the proposal will have an acceptable impact on trees.

### Flood Risk

The application is supported by a flood consequences assessment, which states that the relevant NRW flood risk maps consider the site to be a low risk of flooding from rivers and a high risk from surface water. The site is considered to lie within Flood Zone B as defined on the NRW DAM Map, and considered a 'less vulnerable development' under TAN 15. Based upon a review of the NRW flood risk level maps it is concluded that the site has a 'LOW' risk of fluvial flooding i.e. events that have a risk of flooding between 1 in 100 (1%) and 1 in 1000 (0.1%) of occurring in any year. The assessment also states that it is not possible to re-locate the building within the TIMET compound to an area outside the 0.1%AEP flood risk area. In regard to surface water flooding the assessment states that improvement works to the existing land drainage are planned as part of the development to the surface water culverts on site to mitigate against the existing flooding. It also states that the development will not result in a displacement of water to third party land due to the mitigation measures and land level changes.

In response to this NRW have indicated that the assessment is inadequate and further information is needed, of they would object to the proposal. The principle reason for this objection is that the conclusions are not informed by the most up to date flood maps, which consider climate change. On that basis NRW argues that the Developer hasn't provided an adequate assessment of flood risk. In response to this the Developer argues that the Flood Map for Planning (FMfP) are not currently adopted in National Policy. They further question the accuracy of the FMfP as the topographical survey for the site is not accurate, with NRW stating that any supposition should be challenged formally via another method, than a planning application.

It is noted that the updated TAN15 which uses the FMfP, has not been formally adopted, with the current TAN15 (2004) using the DAM Map data, being the current and valid document for considering flood risk. Welsh Government have offered advice to Authority's in this regard:

A letter from Julie James MS Minister for Climate Change, dated 23/11/21, stated:

To enable local planning authorities to consider fully the impact of the climate change projections on their respective areas, I am suspending the coming into force of the new TAN 15 and Flood Map for Planning until 1st June 2023. The existing TAN 15, published in 2004, and the Development Advice Map will continue in the meantime as the framework for assessing flood risk.

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With another letter from Welsh Government, dated 15/12/21, stating:

During the 18 month pause period, the existing policy framework of Planning Policy Wales, TAN 15 and the Development Advice Map (DAM), along with TAN 14 will remain in place.....The pause means the existing policy framework remains in place for a further 18 months. Planning authorities should recognise however that it may be appropriate to take best and more recent information into account as a material consideration.....This type of advice is possible because the FMfP remains publicly accessible and provides better and more up to date information than the DAM. The FMfP holds no formal weight as it is not yet national policy, but best available information may be regarded as a material consideration.

Whilst it is noted that FMfP may still be regarded as a material consideration, recent appeal decisions have made it clear that decisions are made against the existing planning policy framework of Planning Policy Wales (Edition 11) (PPW), TAN 15 (2004 version) and the DAM Maps will remain in place, and that decisions on planning applications must be based on the existing TAN 15. The appeals also made reference to the Flood Map for Planning (FMfP), and whilst it is publicly accessible information and provides better and more up to date information than the DAM Maps, until the new TAN is formally adopted, this is not yet national policy, and as such should have little weight.

On the basis of the advice from Welsh Government and recent appeals it is therefore considered that the application should be considered against the current TAN15 (2004) and the DAM Map data. In view of this, the proposal is considered to be compliant with the current TAN15 document, with any flood risk considered to be acceptable and therefore the objection from NRW has been addressed.

### Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development. The proposal will not have a detrimental impact upon visual or residential amenities, highway safety, trees, drainage, flood risk or ecology and therefore accords with the Policies of the Swansea LDP. Approval is recommended.

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 principles 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.



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- 2 The development shall be carried out in accordance with the following approved plans and documents: 001 REV 06 site location and block plan, Preliminary Ecological Report prepared by Bay Ecology, HCE-1546-FCA-001 - Flood Consequence Assessment and Noise Assessment prepared by Inacoustic received 13th May 2022, and Ground Investigation Report prepared by Quantum Geotech received 12th July 2022. HCE-1546-PLA-001 outline construction environmental management plan for new production facility, arboricultural report received on 18th May 2022. 002 REV R06 general arrangement ground and first floor plans, 003 REV R06 general arrangement roof plan and section A-A, 004 REV R07 general arrangement elevations, 006 R05 site layout plan received on 12th July 2022. 002 REV R04 storm water layout plan, 003 REV R03 storm water sections A, B, C and D, 004 REV R01 standard drainage details sheet 1 of 2, 005 REV R01 standard drainage details sheet 2 of 2, 006 REV R04 standards SUDS details sheet 1 of 2, 007 REV R01 standards SUDS details sheet 2 of 2 received 28th July 2022. PL02 proposed exit junction general arrangement received 14th December 2022.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No construction of the building structure shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 4 No external works to the building superstructure shall commence until details of the colour 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 approved details.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 5 The proposed ecological enhancement measures shall be installed as per the documents entitled; ecological design scheme received 13th May 2022 and biodiversity and amenity plan received 28th July 2022, and no later than 6 months within the completion of the development and shall be retained as such in perpetuity.  
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).



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- 6 No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be beneficially occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.
- 7 No development shall take place until a potable water scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the proposed development site can be served by an adequate water supply, including fire flow protection. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.  
Reason: To ensure the site is served by a suitable potable water supply.
- 8 A sensitive lighting strategy for the site shall be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>. There development shall be completed in full accordance with the agreed details ad retained as such thereafter.  
Reason: Conserving and enhancing biodiversity and ecosystem resilience.
- 9 The development shall be constructed in full accordance with the document entitled; 'Outline Construction Environmental Management Plan for New Production Facility - Titanium Road, Waunarlwydd, Swansea' dated 11th May 2022, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interest of protecting the water environment and ecology.

### 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 ER2, ER8 , ER9, ER11, T5, T6, RP2, RP3, RP4, RP5, RC10, SD H and PS2 of the Swansea Local Development Plan 2010-2025.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 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.

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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). 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.

- 4 The Timet UK site is currently regulated by NRW under the Environmental Permitting (England and Wales) Regulations 2016. The proposals will require a permit variation prior to construction and operation of the proposed production building. The Applicant should therefore contact our South West Wales Industry Regulation Team by emailing [industryregulation.swwales@cyfoethnaturiolcymru.gov.uk](mailto:industryregulation.swwales@cyfoethnaturiolcymru.gov.uk) to discuss this further.
- 5 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

- 6 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird

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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.

- 7 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:
    - Kill, injure or take a badger;
    - Damage, destroy or obstruct access to a badger sett; and
    - Disturb a badger when it is occupying a sett.If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).
  - 8 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.
  - 9 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.
  - 10 No clearance/pruning of trees, shrubs, scrub or buildings 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.
  - 11 All trenches and excavations shall be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.
  - 12 In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points.  
See: <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>
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