

## Planning Committee – 4<sup>th</sup> April 2023

Item 1

Application Number:

2022/2796/FUL

Ward:

Llansamlet - Area 1

Location:

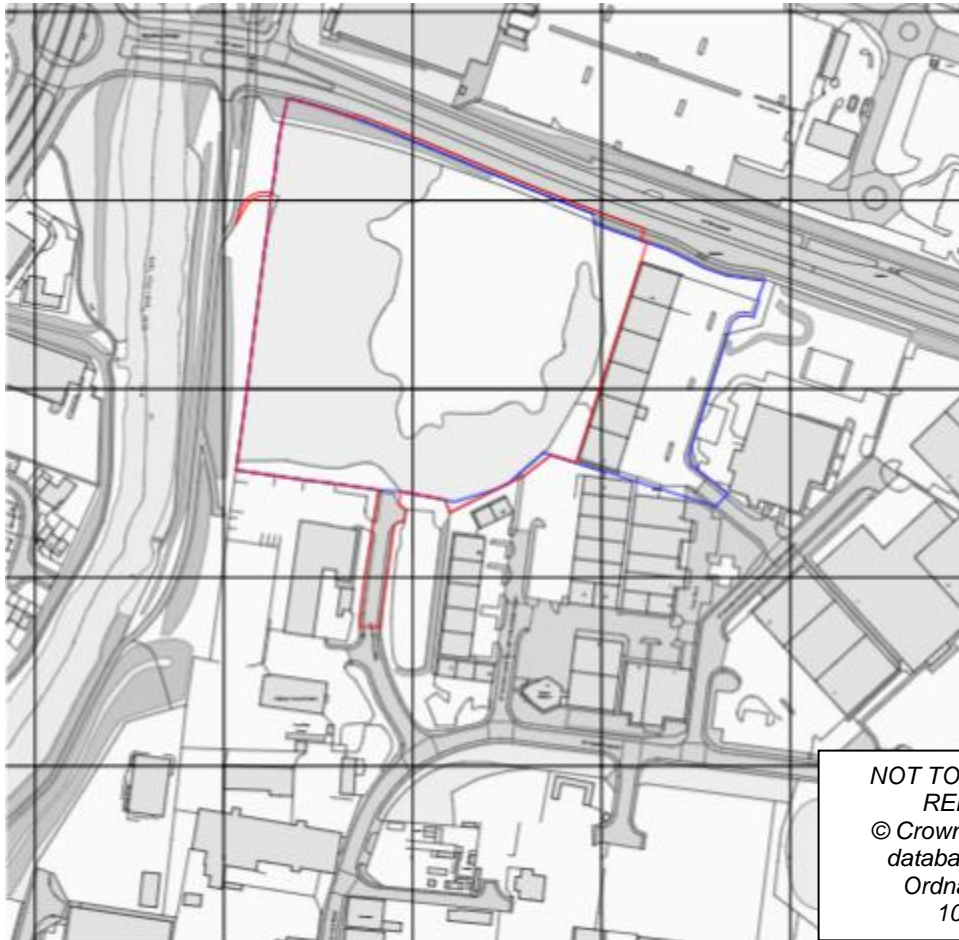
Land Rear Of Dyffryn Close, Swansea Enterprise Park, Swansea, SA6 8RX

Proposal:

Vehicular access improvements, erection of a builders merchant including outside storage of materials and perimeter fencing, 2 no. drive thru units (Class A1/A3 uses), B2/B8 units, vehicle marketing suite (unique use) and associated development

Applicant:

Days Property Holding Limited



### Background

This application is reported to Planning Committee for decision as the application is a departure from the Local Development Plan and the proposed floor areas of the buildings would exceed 2,000m<sup>2</sup> and the development to be carried out is on a site having an area of 2 hectares or more.

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The application site has an area of approximately 3.9ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 1 hectare. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

### **Site Location**

The application site is located within the Swansea Enterprise Park adjacent to its western boundary with the River Tawe. To the north is the A48 road frontage and to the south and east are existing commercial and industrial businesses on Dyffryn Close and St David's Industrial Estate.

The site is broadly flat and rectangular in shape. The land is currently covered in scrub vegetation with mature trees within the western portion of the site adjacent to the cycle track. Broadly one half of the site on its western side is located within the Tawe Corridor and Railwayline SINC. The site is located within a C1 flood zone within the Development Advice Maps (DAM) within TAN15: Development and Flood Risk.

### **Description of Development**

This application seeks full planning permission for the construction of the following:

Unit 1 - single storey A1/A3 drive thru

Unit 2 - single storey A3 drive thru

Unit 3 - builders merchant (unique use) and associated service yard

Units 4 - 14 industrial units for B2/B8 uses

Units 15-17 - car showroom

A new left in and left out access is proposed directly off the A48 that would lead into a central spine road with the 2 no. drive thru units proposed either side of the access road. A court yard arrangement is proposed with a large central car parking for 198 plus EV charging stations and landscaped areas.

### **Planning History**

2019/1645/FUL - Construction of mixed use development including Classes B2/B8/A1/A3/Sui Generis (car sales) and refurbishment of St David's industrial estate, approved March 2020.

### **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

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. 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.

### Access and Inclusivity

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

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

### Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

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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.

#### Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

#### Community Safety

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

#### Movement

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

#### 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.

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

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.

### 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.

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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.

PS 4 Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 13,600 additional jobs over the Plan period, result in a requirement for 19ha of employment land, provided for through the sustainable employment strategy, including areas of employment use incorporated within allocated mixed use Strategic Development Areas (SD's G, H, I, J, K).

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

ER 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.

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

T 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.

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

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

RC 6 Local Centres - Small scale retail and leisure proposals less than 1000 sq m gross floor area, and other uses intended primarily to meet the day to day needs of the local neighbourhood, will be directed towards suitable premises within 25 Local Centres.

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

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.

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RC 11 Alternative Uses at Employment Locations - Development of established industrial and commercial land and premises for non-business uses falling outside of Use Classes B1, B2 and B8, and ancillary facilities will only be permitted where they comply with the Policy principles.

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

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 NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

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

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

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

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

RP 10 Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

EU 1 Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria



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EU 2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

EU4 Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

### **Responses to Consultations**

#### **Tree Officer**

No objection.

The removed trees are part of a category B woodland and therefore require mitigation planting.

Tree planting within the woodland given in the landscape proposals are unlikely to be successful.

In the event of approval and to secure suitable mitigation the landscape should be conditioned.

#### **Local Highway Authority (LHA)**

The site was assessed previously under planning application 2019/1645/FUL which was approved in March 2020.

The scheme was subject to a PAC and detailed comments were provided by the Highway Authority as a statutory consultee. The comments have been taken into consideration in arriving at this layout submitted

The preliminary left in left out main access is off the A48 is acceptable in principle, this has been accompanied by a Stage 1 Road Safety Audit. The detailed design will be subject to a section 278 agreement with the Local Highway Authority.

The site location plan has included to the link to the end of the adopted road on Dyffryn Close (which is in CCS control) and notice has been served on the Highway Authority. It needs to have been served on CCS Estates, that is a matter for planning to investigate as the link in question is shown as being leased by the Council and is not adopted highway. I have not been party to any agreements regarding the use of the access but it is a critical aspect of the site as without it then safe servicing cannot take place. The rear service yard (through a council owned link) abuts the adopted highway, and can be accessed for deliveries and staff parking. Alterations to the adopted highway will also be subject to a s278 agreement.

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A Transport Statement has been submitted in support of the proposed scheme as the mix of uses differs from that previously approved.

An analysis of accidents in the document has revealed a cluster at the roundabout junction but no indication that the highways design was at fault nor that there would be any impact on the safety of efficiency of this roundabout as a result of the development.

The car parking area, site layout, internal road layout and drive through layouts have been amended, and swept paths re-run. This shows the drive through units can be adequately and safely serviced by a 16.5m articulated vehicle, and as such are acceptable. Swept paths were also provided to demonstrate servicing to plots 1, 2, 3 and 4-11. No such document was submitted with regard to the servicing for 12-17. If they are intended to be serviced from the front within the customer car parking area then this will need careful consideration. A servicing/delivery management plan is therefore included as a condition.

The site provides Blue badge car parking, EV Charge points and cycle storage, the site is accessible to regular bus services on Clase road and is in close proximity to the National Cycle Route 43 which runs along the River Tawe to the west of the site. The site is therefore considered to be in a sustainable location although it is likely that principal mode of travel will be by car.

An updated Road Safety Audit was also submitted on behalf of Asbri Transport Limited by 'The Safety Forum Limited'. The document identified minor issues that can be dealt with under the Section 278 Agreement.

### Recommendation

On the basis of the current plans and the previous approval of planning permission at the site then the Highway Authority has no objections to the proposals. This is subject to the inclusion of appropriate planning conditions, these would be:

1. Prior to commencement of development details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority the City and County of Swansea Development Management Team under a Section 278 Agreement. All access works, relating to the highway, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority. The section 278 shall include appropriate signage to advise egressing traffic that the road is one way only.

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

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2. The buildings shall not be brought into beneficial use until the access and parking works have been completed and made ready for use, in accordance with the approved drawings. The parking areas shall be made available for vehicular parking to include public at all times thereafter.  
In the interests of highway safety and general amenity
3. The proposed development shall not be brought into beneficial use until the access and cycle parking works have been completed and made ready for use, in accordance with the approved drawings. The parking areas shall be made available for cycle parking at all times thereafter.  
In the interests of highway safety and general amenity.
4. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - a. The parking of vehicles of site operatives and visitors.
  - b. Loading and unloading of plant and materials.
  - c. Storage of plant and materials used in constructing the development.
  - d. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
  - e. Wheel washing facilities.
  - f. Measures to control the emission of dust and dirt during demolition and construction and
  - g. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

5. The buildings shall not be brought into beneficial use until a Delivery Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority. In the interests of highway safety and general amenity.
6. The southern vehicular link to Dyffryn Close shall be laid out in accordance with the approved plans prior to beneficial use of any of the units commencing, and be maintained as such for servicing/deliveries thereafter.

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

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**Glamorgan Gwent Archaeological Trust (GGAT)**

Thank you for consulting us regarding this application; consequently we have consulted the detailed information contained on your website. It remains the case that the proposal will require archaeological mitigation.

You will recall from our response of August 2019 that information in the Historic Environment Record shows the area is the site of the Dyffryn Tinplate Works, established in 1874 and shown on the historic map sequences until the mid-20th century as expanding to cover the whole site. It is our experience that when such industrial sites are described as demolished, that significant buried remains exist with a high degree of integrity. The Historic Environment Record also notes that it may have been a likely site for the Medieval manor house of Kilvey, considered to have been located between the Tawe and the Fendrod. We therefore at the pre-planning stage recommended that an archaeological desk based assessment be undertaken to determine the likelihood of archaeological remains being extant, and the impact of the proposed development upon them. The supporting information included the assessment, undertaken by Archaeology Wales (document dated May 2019, reference 1796), which was undertaken to an agreed methodology and meets current professional standards.

Given the results of the assessment, the next proposed stage of mitigation would have been to conduct an archaeological evaluation to determine the nature and extent of the remains. However, the geotechnical information was re-examined archaeologically and in light of results of test pitting, which identified the depth and nature of archaeological remains, it was concluded that an archaeological evaluation would not add to our understanding at this stage, and that mitigation of the known archaeological resource could be addressed by condition.

In order to mitigate these proposed development we recommended that a condition requiring the applicant to submit a written scheme of investigation, for the implementation of a programme of archaeological work, should be attached to any consent granted by your Members. This application (2019/1645) was decided with the Condition 5 attached regarding the historic environment and archaeology, with the Condition 5 being partially discharged with the submission of the Written Scheme of Investigation setting out a methodology for archaeological mitigation (Archaeology Wales, (April 2021, ref 2724)).

This will allow understanding of the current evidential remains, and appropriately manage the changes made by this proposal, in line with current Welsh Government legislation, policy and supporting documentation regarding managing change in the historic environment.

There are some changes to the proposed layout and the Written Scheme of Investigation should be updated in order that the proposed mitigation and methodology is appropriate and meets current professional standards.

We envisage that this programme of work would include but not be limited to a strip, map and record, of those elements of the archaeological resource which will be removed, and also an archaeological watching brief during any other ground disturbing work.

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It will ensure that a targeted programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

We also recommend that a note should be attached to the planning consent explaining that:

A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologists.

### **South Wales Police**

In relation to the above planning application I would have the following observations to make :-

(i). Perimeter security.

The whole site and each unit should be protected by security fencing. The fencing should meet the security standard LPS 1175 SR1 or equivalent, be at least 2.4 metres high, manufactured of weld mesh, expanded metal or similar and be of a design that is difficult to climb over. It should be sited on a hard surface or embedded in the ground.

Barriers should control vehicle access onto site as there has been a problem with travellers occupying open spaces in this area e.g., vehicle parking areas.

If the site is unoccupied, gates of the same standard as specified above should secure it. If padlocks and chains are used to secure the gates, they must meet appropriate security standards e.g., Sold Secure Gold.

Reason - To prevent burglary and unlawful vehicle entry onto site.

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#### (ii). Vehicle access.

Vehicle access onto site should be controlled by the installation of barriers at the vehicle entrances with access control fitted. Vehicle access onto the sites must be prevented when the site is unoccupied.

Reason - To prevent burglary and unlawful vehicle entry onto site.

#### (iii). CCTV.

I would ask for the outside and the main entrances into the units, vehicle entrances onto the site, the vehicle parking areas and bike and bin stores to be protected by CCTV.

The CCTV cameras should be in elevated positions. Ideally the CCTV would be monitored.

The images produced must be admissible in a court of law and the General Data Protection Regulations (GDPR) must be complied with.

Reason - To detect and prevent crime

#### (iv). Signage.

Signs should be sited advertising the fact that CCTV cameras are operating in the area if CCTV is installed.

Reason - To deter crime. To comply with GDPR.

#### (v). Lighting.

The whole of this development, especially the vehicle parking areas, should benefit from lighting that meets the British Standard 5489.

The lighting must be effective and enhance CCTV coverage if installed.

The lighting must be situated in elevated positions to prevent vandalism and be protected in vandal proof housings.

Reason - To enhance CCTV coverage, public safety and to deter crime.

#### (vi). Landscaping.

Maximum surveillance must be maintained across the whole development site.

Ideally plants and bushes would only grow to a maximum height of 1 metre. The view of the car parking areas from the units must not be obscured by trees or planting.

Trees should be in areas where they do not obstruct CCTV coverage or lighting or provide an assist to climbing. They should have no branches below 2 metres from the ground. This is to allow clear lines of sight across the whole of the development.

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Reason - To maximise surveillance across the site thus preventing crime.

(vii). Vehicle parking areas.

Vehicle access into the parking areas should be controlled by barriers.

Vehicle parking areas must be well lit, ideally the lighting meeting the British Standard 5489. All vehicle parking bays should be protected by monitored CCTV.

The perimeter of the car parking areas must be clearly defined, and access confined to the main vehicle entrance/exit points.

There must be clear lines of sight across the vehicle parking areas with any planting being low level. Ideally these area would be overlooked by the units.

Reason - To prevent vehicle crime.

(viii). Bicycle stores.

Bike stores must be secure, lit and overlooked (please visit [www.securedbydesign.com](http://www.securedbydesign.com) for more information).

Reason - To prevent bike crime.

(ix). Bin stores.

Bin storage areas should be secure areas protected by solid doors/gates. Access into these areas should be controlled by access control and they should be located away from the buildings.

Reason - To prevent arson.

(x). Building shell security.

The units must be constructed of materials that are resistant to attack. The first two metres of the external walls must be brickwork or materials of a similar strength.

The design of the units must consider the need to prevent features that aid scaling or climbing and hidden areas must be designed out.

Reason - To prevent burglary.

(xi). Drainpipes.

Rainwater down pipes can provide a convenient scaling aid onto roofs, or to reach windows above ground floor level. Rainwater pipes should be either flush fitting (i.e. square profile) or concealed within the cavities.

Reason - To prevent access to the roof and entry into the building.

(xii). Intruder alarm systems.

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The buildings should be alarmed with the alarm system linked to a central monitoring station. All rooms where there is valuable equipment or information stored should be alarmed and any alarm wires should be protected.

Reason - To deter and detect intruders.

(xiii). Access control.

Access into the buildings and from public areas into semiprivate and private areas must be controlled via access control e.g. fob, swipe card etc.

Entry into all rooms where valuable equipment is sited should also be controlled and these rooms must be kept locked when not in use.

Access control should meet Secured by Design (SBD) standards and specifications.

Reason - To control access into the building and to prevent opportunist crime.

(xiv). Door security.

The external doors of the buildings, those separating public and private areas and those protecting rooms where valuable property or information is stored should meet where possible the standards PAS 24 2022, LPS 1175 SR2 or equivalent and be third party tested and certificated.

Glass in door panels or adjacent to door panels should be laminated.

Doors in recesses of more than 600mm should be avoided.

All vertical lift doors/ roller shutter doors fitted must be locked in place, internally and externally, when the building is unoccupied.

In respect of operating mechanisms external fittings must be avoided. Internal mechanisms must be secure and sited away from the door openings. Fire doors must not have external door furniture fitted, and meet SBD standards and specifications. They must also be alarmed. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance. Doors should be protected against ram raiding.

Reason - To prevent unlawful entry.

(xv). Window security.

All vulnerable external windows should meet SBD standards i.e., PAS 24 2022 or equivalent and be third party tested and certificated.

All glass in vulnerable windows i.e. ground floor windows within this development should be laminated.

Reason - To prevent unlawful entry.



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Further information can be found on the Secured by Design website at [www.securedbydesign.com](http://www.securedbydesign.com).

### Fire and Rescue Authority

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

The following concerns are identified, in relation to the proposed developments, together with suggestions as to how these can be addressed.

1. Please confirm the Proposal meets the requirements of B5 Approved document B (Wales) 2020 in relation to water supplies and vehicle access for firefighting purposes.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:

<https://www.water.org.uk/guidance/nationalguidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

<https://www.ukfrs.com/index.php/promos/16847>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

### Dwr Cymru Welsh Water (DCWW)

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: PPA0007192) has been acknowledged (within / and included at Appendix 9 of the accompanying Pre-Application Consultation (PAC) Report, prepared by LRM Planning, which highlights that foul water flows can be accommodated within the public sewerage system as shown in the accompanying drainage layout, whereas surface water flows are subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore require SAB consent.

Accordingly, if you are minded to grant planning consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

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### Condition

No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

### Advisory Notes

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption.

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We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

### **Local Drainage Authority**

We note the submission and highlight that the design of the drainage scheme needs to be thoroughly tested through either a SAB pre-application or full application route. Until that exercise or permission has been carried out we cannot ascertain whether the strategy submitted here is acceptable and therefore must OBJECT to the application as it currently stands.

Schedule 3, Flood and Water Management Act 2010.

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

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

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- The SAB also has powers of inspection and enforcement
- And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m<sup>2</sup> or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

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Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email [Sab@swansea.gov.uk](mailto:Sab@swansea.gov.uk).

### Environment Officer

Planning condition CL12 must be placed upon this application.

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to myself, for the control of the plant.

### Rights of Way Officer

Footpath LT385 runs to the West of the site.

The drainage plan shows a discharge point into the river that will have to cross the line of the path. This will have to be dug through the path. Due to safety concerns, the contractor will have to apply for a temporary closure of the footpath to facilitate these works. The temporary closure has a 6 week lead in time and a cost of up to £2250, depending upon the cost of the adverts in the press, (which is the vast majority of the cost). The temporary closure lasts for up to 6 months or when the work is completed, whichever is the earliest and poses least inconvenience to the public.

The countryside access team may look for section 106 monies to improve public rights of way in the locality.

### Pollution Control

Please find conditions below:

#### - Site Characterisation

The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

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

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The reports shall be submitted individually.

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

Phase 1 report: Desk Top Study

this shall:

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

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

Phase 2: Detailed Investigation

this shall:

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

Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy Options Appraisal

this shall:

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

Phase 3: Validation/verification Report

- On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

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Advisory:

<https://www.claire.co.uk/component/phocadownload/category/27-wall-documents?download=630:development-of-land-affected-by-contamination-a-guide-for-developers>

Development of Land Affected by Contamination: A Guide for Developers

- The applicant shall be required to conduct, and provide the results of, an air quality assessment of the potential impact of the proposed development on the surrounding local area.
- The assessment shall consider the seven key pollutants within the National Air Quality Strategy and Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002 and should pay particular attention to the 1 hour NO<sub>2</sub> objective and NO<sub>2</sub> annual mean objective.
- In addition the assessment should also pay particular attention to the PM<sub>10</sub> objectives set in regulation (24 hour mean objective of 50µg/m<sup>3</sup> - 35 exceedances and the annual mean objective of 40µg/m<sup>3</sup> to be achieved by the 31/4/2004 and maintained thereafter). Also, an indication of the new particles (PM 2.5) Exposure Reduction objective (contained within the Air Quality strategy 2007) of 25µg/m<sup>3</sup> in 2010 and 2020 should be made.
- The scope of the assessment and all modelled receptor locations shall be agreed with the Pollution Control Division prior to submission of the assessment.

- Informatives

### 1 Construction Noise

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

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

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

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

### 2 Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

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

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

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### 3 Dust Control

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

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

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

### 4 Lighting

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

## **Placemaking and Strategic Planning**

### Overview

This is a mixed-use development for the erection of a builder's merchant including outside storage of materials and perimeter fencing (Unique Use), 2 no. drive thru units (Class A1/A3 uses), B2/B8 units, vehicle marketing suite (Unique Use) and associated development including vehicular improvements.

### Relevant Planning History

Planning Permission was obtained in March 2020 for a similar mixed use scheme (2019/1645/FUL), albeit it on a slightly larger footprint, which included Use Classes B2/B8/A1/A3 and a car sales showroom (Unique use).

### Principle of Development

The land is unallocated for any specific use in the LDP and shown as white land within the urban settlement on the LDP proposals map. It is located within Swansea Enterprise Park but is not located within the Enterprise Park Retail Area designated by LDP Policy RC 7.

It is important to acknowledge that an extant planning permission remains live for this site. As outlined above planning permission was granted for a similar scheme in 2020. Therefore for some elements of this proposal the principal of development has been established. This response will firstly outline the uses where the principal has been established and then consider the new proposed uses within the National and Local Planning Policy Framework.

Employment B2 and B8 uses - The application proposes 5729 sqm of flexible B2/B8 use. This is an increase of 1529 sqm from the extant planning permission (2019/1645/FUL). The Placemaking and Strategic Planning Section's response to the extant application concluded that:

"The principle of the proposed B2 and B8 uses on this site has historically been accepted. In my view the B2 and B8 proposals would strengthen the viability of the existing units and regenerate this part of the Enterprise Park subject to being in-line with other LDP policies such as being suitably served by supporting infrastructure, particularly sustainable modes of transport."

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The proposal, if approved, would deliver a 36% increase of Class B2/B8 when compared to the extant planning permission. However the increase is not considered unacceptable and is considered to be in accordance with LDP Policies PS4, RC10 and National Guidance. Therefore the principle of development of flexible B2 and B8 Use classes at this location is considered acceptable.

Motor Vehicle Marketing Suite (Unique Use) - The extant planning application accepted that the principle of a Motor Vehicle Marketing Suite was acceptable at this location:

"The proposal for a Motor Vehicle Marketing Suite (Unique Use), which is consistent with proposed uses set out for this area in the (albeit outdated) Swansea Enterprise Park SPG, is not at variance with the LDP subject to being in-line with other LDP policies."

It is notable that the revised scheme proposes a substantial increase in floor space for the Motor Vehicle Marketing Suite. The extant planning permission proposed a much smaller detached building for the suite (279 sqm) which was located to the west of the site. The extant proposed site layout plan indicates land around the suite which presumably would have acted as an outdoor vehicles sales area. The new proposal, if approved, would lead to the increase of 953 sqm and the suite would be relocated to the east of the site incorporating three of the six units. There appears to be no outdoor space for vehicular sales or details of how the facility would operate. Therefore thought should be given to LDP Policy PS2 and consider how the operation of this vehicular sales use accords with the design, layout and orientation of proposed buildings, and the spaces between them.

2 no. drive thru units (Class A1/A3 uses) - Key to consideration of this planning application is whether the A1 and A3 use proposals comply with Policy RC2, which promotes the Plan's defined Centres of the retail hierarchy, as the most appropriate and sustainable locations for locating new retail, leisure and supporting commercial development in-line with national policy. The policy states that where evidence clearly demonstrates that no sites within centres or at edge of centre locations can be made available for the proposed development, out of centre sites will be considered and in such circumstances, developers should consider available sites and premises within defined Retail Park boundaries, which are the preferred location for out of centre retail developments.

Policy RC 13: Swansea Enterprise Park states that within the Swansea Enterprise Park proposals for new or replacement retail floor space will only be permitted within Retail Park areas defined on the Proposals Map and proposals for retail development within the defined Retail Park areas will be restricted to the sale of bulky goods and/or items that do not pose a threat to the vitality, attractiveness and viability of the Swansea Central Area Retail Centre and District Centres (in the context of Strategic Policy RC 1 Swansea Central Area Regeneration which states that development should support the Council's regeneration, renewal and enhancement proposals for the Swansea Central Area). This site is not located in an Enterprise Park Retail Area (which are defined on the Proposals Map by Policy RC 7).

The planning application site is not situated within a recognised Centre, it is not an edge of Centre location, and is not located in a Retail Park. Paragraph 2.8.16 of the LDP states that a departure to the defined hierarchy will only be considered if convincing evidence is submitted in support of a proposal to demonstrate that such development is justified as an exception, and that there would be no material adverse impact caused by the development to the attractiveness, vitality or viability of any Centre defined in the Retail Hierarchy.



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The extant Planning Application produced a sequential assessment of sites in the City Centre, Parc Tawe, and Morriston District Centre and concluded that there are no available, suitable, viable opportunities which represent alternatives to the application site. Given that planning permission is still live and the principle of two drive thrus at this location has been established then it is not considered necessary to prepare an updated sequential assessment. Policy RC 2 recognises that certain proposals have operational requirements that cannot reasonably be accommodated within Centres, a 'drive through' restaurant/café proposal for example represents a Class A3 operation that, due to its circulation requirements and size constraints, would not typically be located within a Centre, it states that they may instead be accommodated within a Retail Park.

While this proposal is not situated in a designated Centre, edge of centre or Retail Park it is considered that exceptional circumstances continue to apply and they will not result in negative impacts on designated centres. It will, though, be necessary to restrict planning permission to prevent their conversion/use to standard restaurants or A1 uses.

Builder's merchant including outside storage of materials and perimeter fencing (Unique Use) - The Builders merchant represents a new use which was not part of the extant planning permission. The proposal is for a large 1,918 sqm individual unit to the west of the site. Uses of this type are commonly found on industrial estates and the proposed use is considered compatible with adjoining uses. Given the nature of the use and type of unit required it is not considered there would be more sequentially preferable locations within the centres of the retail hierarchy available in line with Policy RC2. It is considered therefore that the proposal would not conflict with the provisions of Policy RC11 and the principle of development is acceptable at this location.

### Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate: Future Wales Policy 2 sets out that:

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

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### Biodiversity Enhancement

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

Future Wales Policy 9 and PPW require that:

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

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

### Other Key Issues

Flooding - The site is located within a C1 Floodplain as defined by TAN15. A Flood Consequence Assessment has been submitted with the application proposal. The proposal comprises a less vulnerable use and would need to be assessed in line with the justification test in Section 6.2 of TAN15.

In addition, NRW has set out how it intends to advise decision makers in relation to the development management process going forward, where flood risk is a material consideration. On 23 November 2021, the Minister for Climate Change issued a letter to confirm that the impending new TAN 15 (Technical Advice Note 15: Development, flooding and coastal erosion) will not come into force until 1 June 2023. The Development Advice Map supporting the extant TAN15 is considered out of date by NRW, with no updates have been made for over 2 years and no future updates are expected. The new Flood Map for Planning (FMfP) is therefore considered by NRW to be the best available spatial information held on flood risk and is being updated every 6 months. On 15 December 2021, Welsh Government's Chief Planner issued a letter to clarify that the FMfP may be regarded as a material consideration. Therefore, NRW have confirmed that they will be considering both the DAM and the FMfP as part of the consultation process and provide comments accordingly. The FMfP remains publicly available <https://flood-map-for-planning.naturalresources.wales/> and as such, it would be helpful to use it as part of constraints checking. The applicant should be advised of the position set out above in terms of the new TAN and the NRW approach to advice. The new floodmap for planning shows the site within Flood Zone 3.

Land contamination - the site is associated with historic land contamination. As such, LDP policy RP 5 requires the application be accompanied by a contaminated land investigation report containing a risk assessment and proposed remedial measures. The developer will need to demonstrate that actual or potential contamination can be satisfactorily overcome before any planning consent may be granted. Environmental Health section should be consulted.

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In-line with strategic policy RP 1 the development should ensure no increased risk to public health and environmental resources. Environmental Health section will advise on such matters. The emerging LDP provides detailed policy requirements relating to water quality and the use of SuDs, policy RP 3. The site is located in a flood risk zone and will need to be judged against policy RP 5.

Green space/ Open space - the site is identified as a SINC and should be considered against the relevant LDP policies outlined.

Transport - the transport requirements for this development are set out in emerging LDP Policies T1, T2, T5, T6 and T7. It should be noted that Policy T 5 requires the accessibility of the site to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes.

Utilities - Adequate utilities must be provided to meet the needs of the development, emerging LDP policy EU 4 refers.

Quiet Area - The proposal lies in close proximity to the Tawe Riverside Quiet Area. Therefore, in accordance with Policy RP 2, proposals will be required to incorporate design, landscaping and other measures to minimise the effects on the Quiet Area. It is noted that an area of land to the west, and in close proximity to the Quiet Area, which contains mature woodland is to be retained. It is for the case officer to determine whether the retained features and landscaping will reduce the impact of noise and if a noise impact assessment is required. In accordance with the 'agent of change' principle the business or person responsible for introducing a change is responsible for managing that change. Consideration of proposals should therefore take into account the nature of the soundscape which exists in an area and the characteristics of the place, or specific activities which have shaped it. Where there are potential noise implications, developers may be required to provide an assessment of noise impact, together with proposals for mitigation in support of planning applications.

### **Natural Resources Wales**

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Conditions 1-6: Contaminated Land Conditions.

Condition 7: Construction Environmental Management Plan (CEMP).

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

#### **Contaminated Land**

We note the site's historic land use as a tin plate works, its proximity to the underlying aquifer and the River Tawe. We have reviewed the report entitled 'Site 16, Clase Road, Swansea: Proposed Commercial Development - Geo-Environmental & Geotechnical Report (Report Ref: ESP.6916h.2999)', dated January 2019, by Earth Science Partnership.

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The report presents the results from a limited site investigation (3 groundwater samples and 2 leachate samples). These findings suggest there is a potential high risk posed to controlled waters from a number of pollutants. In order to fully understand the site conceptual model and any potential risks, we support the recommendations in the report that further site investigation (including appropriate sampling and testing) is undertaken. We wish to highlight that this report has a different red line boundary to that of the current proposed development, the site investigation and sampling was conducted in 2018 therefore is now 4 years old, and had a different proposed site layout, therefore details may need to be updated to be suitable to support a planning application submission.

It is noted that Sustainable Drainage System (SuDS) are proposed. We previously advised that the planning application should make it clear whether infiltration is proposed, and if so included in any risk assessments. We note section 3.1 of the 'Drainage Strategy Report' by Hydrock, dated 18th November 2022 states "The current site has a previous land use that would suggest a high possibility of ground contamination, also previous planning permission conditions for the site included no infiltration. It is unlikely that infiltration will be a possible mechanism for surface water runoff disposal."

However section 3.2 goes on to state "Surface water will be managed on site to prevent as far as possible any discharge from the site for the majority of rainfall events of less than 5mm. This will be achieved using numerous SuDS such as green roofs, bioretention features, swales, permeable paving and infiltration trenches. These features will as far as possible be designed in accordance with the guidance of Table G2.1 and achieve deemed compliance."

These statements are contradictory. Despite recognising that infiltration is unlikely under section 3.1 due to historic contamination, no further site investigation or risk assessment to understand potential risk associated with infiltration has been provided and it appears a SuDS scheme has been designed showing infiltration. We therefore reiterate that this should be clarified.

In the absence of additional information being provided with any future planning application and given the sensitivity of the site highlighted above, we recommend your Authority should only grant planning permission for this scheme if the conditions listed below are attached to any planning permission granted.

Please note, the above report uses 'Threshold Values' (TV) as a screening criteria; TV are used within the Water Framework Directive for groundwater body characterisation. They are not appropriate for use in site specific assessments.

Condition 1: No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site

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2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

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

Condition 2: Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 3: Prior to the occupation of the development a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

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

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

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Justification: A land contamination long term monitoring plan should be submitted prior to operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality.

Condition 4: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 5: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

Condition 6: No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

### Pollution Prevention

Given the proximity of the development to the nearby River Tawe, which lies approximately 40 metres to the west of the site, we advise that a Construction Environmental Management Plan (CEMP) is required in support of the development. The CEMP should include detailed site-specific measures which will be put in place to prevent pollution to the surrounding land and water environments. To secure this, we advise the following condition is included on any planning permission you may grant:

Condition 7: No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;

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- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain. This should also include measures in place to prevent materials which are stored outside, particularly concrete, from washing into the nearby main river (River Tawe) during period of rain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction

### Flood Risk

The planning application proposes less vulnerable development (mixed use retail park). Our Flood Risk Map confirms the site to be entirely within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN)15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 Rivers (TAN15 Defended Zone).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

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We note that an updated report entitled 'Swansea East Trade Park, Clase Road - Flood Consequence Assessment' (Version 1), dated September 2022, by JBA Consulting has been submitted in support of the application. The FCA is informed using the NRW's Afon Tawe 1D-2D TUFLOW model 2019, which JBA have updated as detailed in Section 5.1 of the report.

The FCA submitted at the previous stage stated that JBA were updating the Swansea hydraulic model and that they would await the results from this update before proceeding with any site specific modelling. We note this work is nearing completion but is not finalised yet and is unlikely to be until early 2023, and therefore the Applicant has not waited for this updated modelling to inform their updated FCA. Notwithstanding this, our Flood Risk Analysis Team have advised that the 2019 modelling is our current best estimate of flood risk in the locality, and we confirm that the hydrology has not changed significantly (it is within the 10% ranges normally recommended by our Hydrology Team). We are therefore satisfied that the updated FCA presents an accurate and up to date flood risk assessment of the proposed development, based on the current available information.

We note the proposals to raise the finished floor levels (FFLs) of the buildings to 9.35m above ordnance datum (AOD) and wider ground levels to 8.9mAOD. These proposed levels have been determined through mitigation testing exercise to ensure the allowable depths are sought on site but to limit third party flood risk impacts.

Within the 1% annual exceedance probability (AEP) plus climate change (cc) event, the majority of the site including the buildings are flood free, but some flooding is predicted along Northern and Eastern site boundary to a maximum depth 4mm. As it is not flood free, this would therefore not be in compliance with section A1.14 of TAN15.

Within the 0.1% AEP event, the entire site floods with the buildings flooding to a depth of 550mm and the majority of the remainder of the site to a depth of less than 1000mm. Flooding to a depth of 1200mm+ is predicted along the Northern and Western site boundary. Whilst the buildings are within the acceptable tolerances of section A1.15 of TAN15, the remainder of the site doesn't comply with it.

With regard to third party impacts, for the 1% AEP plus cc event we note there is no impact. Under the 0.1% AEP event, detriment is contained within site boundary. It is reasonable to assume there would be minimal third party impacts due to the limited amount of site raising compared to the overall flood extent of the Tawe valley. Therefore, the development complies with section A1.12 of TAN15.

The FCA recommends that site occupiers should sign up to NRW's Flood Warning Service (FWS), further information can be found here: [Flood warnings and alerts \(naturalresources.wales\)](https://www.naturalresources.wales). A Flood Response Plan should be developed and adopted and we note it also recommends resilience measures to be considered within the proposed buildings, which we welcome.

To summarise, the FCA demonstrates that the development does not comply with TAN15, however we note the nature and location of the development, and that it will have no detriment to third parties. It is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15.



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We recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

### Ecology

We have reviewed the following additional information:

- 'Ecological Impact Assessment' by Ecological Service Ltd, dated 29th December 2022 (Version V1);
- 'Bat Transect Survey Report' by Ecological Services Ltd, dated November 2022 (Version V1);
- 'Phase 2 Survey Report' by Ecological Services Ltd, dated 29th December 2022, (Version V1);
- 'Proposed Biodiversity Plan' by Powell Dobson Architects, dated January 2023 (Drawing number: 17052\_P(0)500).

We note the reports have been provided in response to our comments made in our most recent letter dated 11th January 2023 (our reference: CAS-304769-N0Q8).

The reports have ruled out use of the woodland by otter and no trees within the woodland had potential roosting features deemed to be of moderate/high potential. They do however conclude that the woodland is used for foraging and commuting purposes by bats. We welcome the ecological recommendations made within the above listed reports, which include sensitive lighting measures to avoid light spill from the development on the woodland. We welcome the provision of the biodiversity plan and advise that the survey recommendations (including lighting proposals) are discussed and agreed 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

### Contaminated Land Informative

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)

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2. Refer to 'Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection'

#### Waste on site

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, NRW should be contacted for advice at an early stage to avoid any delays.

#### Flood Risk Activity Permit

The proposed site is adjacent to an NRW maintained flood defence structure and the proposed outlet will need to cross this embankment to discharge surface water to the River Tawe. These works would therefore require a Flood Risk Activity Permit (FRAP) with more specific details given to how the discharge point will be formed. Details on how to apply for a FRAP are available here: [Natural Resources Wales / Environmental permits for flood risk activities](#).

### Local Authority Ecologist

#### Outcome of Ecological Investigation:

##### Relevant documents reviewed:

Bat transect Report, Nov 2022, Eco logical Services Ltd  
Proposed Biodiversity Plan, Jan 2023 Powell Dobson Architects  
Phase 2 Survey Report, Dec 2022, Eco logical Services Ltd  
Proposed estate site plan June 2022, Powell Dobson Architects  
Ecological Impact Assessment, Ecological Services Ltd 25/1/23  
Phase 2 survey report, Eco Logical Services Ltd, 29/12/22  
Proposed Biodiversity Plan drawing no 17052\_P101500 Jan 2023, Powell Dobson Architects  
Design & Access Statement, Aug 2022, Powell Dobson Architects  
PEA and bat survey, 30/5/22, Eco Logical Services Ltd  
Soft landscape proposals 1 and 2, TDA, June 2022

#### Bats

Please include the standard bat informative.

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Condition:

Pre-construction/site clearance checks for protected species including bats, otters, dormice, reptiles and nesting birds shall be undertaken by a suitably qualified ecologist (including checks of buildings due for demolition), no sooner than 3 months prior to commencement of any works. The report shall be submitted to the LPA for approval. Should these species be recorded, and displaced from the site, then a mitigation strategy shall be submitted to the LPA for approval.

Condition:

As recommended in section 4.1, page 10 of the Phase 2 Survey Report (Ecological Services Ltd, Dec 2022), if any work (including felling) is proposed to mature trees on site, specifically to G496 and trees within A1, a bat tree roost assessment shall be undertaken and submitted to the LPA for approval. The methodology contained within section 4.1, page 10 of the Phase 2 survey Report (Eco Logical Services Ltd, dated 29/12/22 ) shall be fully implemented.

Woodland

The woodland corridor which comprises part of the Tawe Corridor & Railway Line Site of Importance for Nature Conservation (SINC) was considered suitable to be utilised as a foraging and commuting feature along the site boundary for local bat species, and also use by otters, and must be retained and buffered from development. See also Landscaping section below.

Condition:

As per Section 5.3 (and 5.7) of the PEA, any proposed development layout shall retain the woodland and scrub features of the SINC, with an additional buffer zone to protect this habitat. This shall be undertaken and enhanced with additional planting as per detailed in the Proposed Biodiversity Plan drawing no 17052\_P101500 Jan 2023, Powell Dobson Architects. This retained habitat and buffer zone of undeveloped land alongside the river shall also be protected for otter, to allow safe passage and shelter for the species.

Breeding/nesting birds

Please include the standard nesting birds informative.

Condition:

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to September inclusive.

Otter and badger

Please include the following otter informative:

Otters may be present. Otters 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. It is also an offence to recklessly / intentionally to disturb such an animal.

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If evidence of otter use is encountered (e.g. live otters, droppings or resting places) during the work, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

Please include the following badger informative:

Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk) ).

Information on badger licenses is available at:

<https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government/?lang=en>

Condition:

To protect species including otter and badger, the methodology contained within section 4.3 of the Environmental Impact Assessment (Eco Logical Services Ltd , Version 2, dated 25/1/23) and also in 4.2 of the Phase 2 Survey Report (Dec 2022, Eco logical Services Ltd), shall be implemented.

Condition

As recommended in section 4.2, page 11 of the Phase 2 Survey Report (Ecological Services Ltd, Dec 2022), the precautionary working methodology shall be adopted to protect badger and otter.

Dormouse

Please include the following informative:

Dormice may be present. Dormice 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 2010. 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. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960).

Condition:

Immediately prior to the commencement of any pre-construction/enabling works onsite, including vegetation clearance, a site walkover shall be conducted by a suitably qualified ecologist, to determine any significant changes to those habitats supported by the site with respect to dormouse and otter. Site clearance work should be undertaken September/October or April/May when dormice are active, not in hibernation and will not have dependent young.

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If a dormouse is discovered during works, works must cease immediately and an appropriately licensed ecologist and Natural Resources Wales contacted for advice. Should a substantial period of time pass between the grant of planning permission and the start of development (ie. over two years), the site should be re-assessed for potential dormouse presence.

### Hedgehog

Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered – one of the UK's target species to avoid further population decline.

### Condition:

All trenches and excavations shall be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape 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.

### Condition:

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 shall be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

This shall be shown on an architectural drawing submitted to the LPA for approval.

### SINC and habitat loss

It must be noted that ecological enhancements are different to mitigation requirements for the loss of part of the SINC. I am not satisfied that enough detail has been provided in terms of demonstrating compliance with LDP Policy ER6. This has been highlighted in the PEA document under sections 2.2 and 3.1. and in 3.3.6 and 3.3.8 of the Environmental Impact Assessment document and specifically with reference to the loss of marshy grassland, woodland, scrub, tall-ruderal vegetation and semi-improved grassland. It correctly states(in 3.3.8) that 'compensation measures are required for the loss of SINC habitat within the site boundary'. There is no clear SINC Mitigation Strategy submitted. Please note the following also:

### Protected Sites:

The Tawe Corridor Site of Importance for Nature Conservation (SINC) is located within the application site and the development must therefore comply with Policy ER6.

Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following:

Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;

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- 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.

The development cannot be supported as effective mitigation and/or compensation measures have not been provided, with regards to the loss of SINC habitats (other than retention of a section of woodland). As previously advised, a SINC Mitigation Strategy is required to be submitted to the LPA for approval, prior to determination.

In order to comply with Policy ER 6, a CEMP and Sensitive Lighting Strategy will also be required (see sections below).

### Lighting Strategy

Condition:

A sensitive lighting plan shall be adopted to protect bats and other nocturnal species, and to protect nearby habitats. A plan showing location and specification for any proposed lights on the site shall be submitted to the LPA for approval, prior to determination. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance, with levels kept to 2700-3000 Kelvin.

### Landscaping

Condition:

The Landscaping and planting scheme shall be implemented as per the details contained within the 'Detailed soft landscaping proposals' drawing by TDA, ref: 2670.01 dated June 2022 and managed as detailed within the 'Landscape Specification Management Plan', by TDA updated document Nov 2022.

### Construction Environmental Management Plan (CEMP)

A detailed Construction Environmental Management Plan (CEMP) is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding any nearby water bodies and the Tawe Corridor SINC), for the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

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#### Reason

Prevent pollution of controlled waters and the wider environment.

#### INNS

##### Condition:

Prior to determination, an INNS method statement for treatment, removal and management of Japanese knotweed shall be submitted to the LPA for approval.

##### Condition:

Pre-construction checks for any INNS shall be undertaken by a suitably qualified ecologist, and approved methodology followed to remove any INNS found.

#### Ecological enhancements

##### Condition:

Before development works commence on site, a scheme of Ecological Enhancement Measures outlined below shall be provided to the walls of the buildings/on suitable on-site trees within the retained woodland of the SINC. The approved Ecological Enhancement Measures and their locations shall be provided as shown on Proposed Biodiversity Plan, Drawing no. 07052\_P (0) 500, Powell Dobson Architects (Jan 2023) and shall be fully provided no later than 6 months within the completion of the development. They shall be retained as such in perpetuity.

As per recommendations contained within sections 5.1 and 5.2 of the EIA document (Eco Logical Services Ltd, version 2, dated 25/1/23), and the Proposed Biodiversity Plan (Powell Dobson Jan 2023), the ecological enhancements shall consist of:

12 x tree mounted bat boxes comprising 3 x crevice, 3 x and 3 x maternity boxes  
6 x tree mounted bird nesting boxes comprising 3 x open fronted and 3 x 28mm opening

As per recommendations within the PEA, 4 x reptile refugia shall also be provided.

#### Bio-solar Roof

More information is required regarding the planting of the roof, to ensure that native species are used and that they are of Welsh or local provenance.

### Public Consultation

The application was advertised via site notice within the vicinity of the application site and advertised via press notice.

One letter of objection has been received which is summarised below:

- There will be issues with waste and fly tipping
- Trees have been removed
- Knotweed has been removed
- The site is on a flood plain and more trees are to be removed
- Egress of water on adjacent sites

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## **APPRAISAL**

### **Main Issues**

Having due regard to the provisions of the Swansea Local Development Plan (2010-2025), the main issues for consideration in this application relate the principle of development in this location, visual appearance, any impact upon residential amenity, ecology/biodiversity, drainage, land contamination, flooding and highway issues.

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

### **Principle of Development**

In relation to the principle of development at the site, the application site is white land in the urban area and is not allocated for a specific use within the LDP proposals maps. It is located within the Swansea Enterprise Park but is not located within the Enterprise Park Retail Area designated by LDP Policy RC7.

It should be highlighted that there is currently an extant planning permission (2019/1645/FUL) on the application site for a very similar development.

LDP Policy PS4 sets out the Council's strategy for employment areas which includes retaining land for employment that is in active viable employment use and forms part of the employment land bank, including existing employment estates and business parks. This is supported by Policy RC10 which states that land 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. The principle of the proposed B2 and B8 uses on this site has historically been accepted. It is therefore considered, in principle, the B2 and B8 proposals would strengthen the viability of the existing units and would regenerate this part of the Enterprise Park.

A builders merchant with associated service yard and a car showroom are also proposed as part of this application and these are considered unique uses. Additionally, the proposal involves the construction of two A1/A3 drive-thru units. The car showroom and the two A1/A3 units were uses that was accepted under the extant permission. It is noted that a comprehensive marketing exercise was undertaken through the previous application (2019/1645/FUL) and given this permission is still 'live', it is considered that the information provided previously is sufficient for the current application also. The builders merchant is a new use being introduced to the scheme under this latest application.

The application site is located within an out of centre location, where new retail and leisure proposals must be carefully considered to ensure there would be no significant impacts upon the established retail hierarchy within the city.

Policy RC11 states that:

Development of established industrial and commercial land and premises for non-business uses falling outside of Use Classes B1, B2 and B8 will only be permitted where it can be demonstrated that:



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- i. The existing use is no longer viable or appropriate at the proposed location;
- ii. There is no need to retain the land or premises for its current use, having regard to existing and likely future market demand and the requirement to provide for a range and choice of employment sites;
- iii. The proposed new development will have no unacceptable impact on neighbouring existing occupiers or allocated uses; and
- iv. There are no sequentially preferable sites available with reference to other policies in this Plan.

Policy RC2 of the LDP states that:

Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, having regard to the nature, scale and location of the proposed development:

- i. Swansea Central Area Retail Centre
- ii. District Centres
- iii. Local Centres

The policy states that where evidence clearly demonstrates that no sites within centres or at edge of centre locations can be made available for the proposed development, out of centre sites will be considered and in such circumstances, developers should consider available sites and premises within defined Retail Park boundaries, which are the preferred location for out of centre retail developments.

Policy RC3 emphasises the importance of this hierarchical approach in relation to the regeneration and re-development of the Swansea Central Area Retail Centre. The Policy states that any proposals either within or outside this area which would put at risk the comprehensive regeneration of this area or would adversely affect the potential to enhance and re-develop the Retail Centre will not be supported.

The application site is not located within any defined centre and is outside of any Retail Park as defined within the LDP Proposals Map. The policy makes clear that retail and leisure proposals will only be permitted at out of Centre locations outside Retail Parks in exceptional circumstances, and where a specific need is identified for small scale development intended only to serve an identified local need (in accordance with Policy RC6), or where the proposal is planned to serve a new Strategic Development Area, or where development requires a particular type of unit not normally available within Centres or Retail Parks.

Policy RC13 states that within the Swansea Enterprise Park proposals for new or replacement retail floor space will only be permitted within Retail Park areas defined on the Proposals Map and proposals for retail development within the defined Retail Park areas will be restricted to the sale of bulky goods and/or items that do not pose a threat to the vitality, attractiveness and viability of the Swansea Central Area Retail Centre and District Centres. This site is not located in an Enterprise Park Retail Area (which are defined on the Proposals Map by Policy RC7).

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The consideration of developments within defined out of centre Retail Parks is provided within Policy RC7. The Policy states that proposals for Class A3 (food and drink) within such locations will be restricted to small scale provision that is ancillary and incidental to the primary retail function of the Retail Park, or a facility that due to its operational and functional requirements cannot reasonably be accommodated within a Centre. The policy defines 'small scale' as a facility less than 200sqm gross floor area.

The amplification to the policy recognises that certain proposals including a 'drive thru' restaurant/café represents a Class A3 operation that, due to its circulation requirements and size constraints, would not typically be located within a Centre and may instead be accommodated within a Retail Park.

The amplification goes on to state that leisure uses will not be permitted at Retail Parks if judged to give rise to a critical mass and range of facilities that pose a threat to the future vitality, viability and attractiveness of the Swansea Central Area or District Centres. The policy aim is founded on evidence that emphasises the threat posed by Retail Parks in future becoming 'all round destinations' for customers to have such a range and opportunity for retail and leisure experiences that it negates the need to undertake any separate visit to existing Centres. Such developments are considered to be one of the most significant threats to the viability of the Swansea Central Area and regeneration proposals that seek to deliver a revitalised retail and leisure destination.

The planning application site is not situated within a recognised Centre, it is not an edge of Centre location, and is not located in a Retail Park. Paragraph 2.8.16 of the LDP states that a departure to the defined hierarchy will only be considered if convincing evidence is submitted in support of a proposal to demonstrate that such development is justified as an exception, and that there would be no material adverse impact caused by the development to the attractiveness, vitality or viability of any Centre defined in the Retail Hierarchy.

Whilst it is accepted the proposal is not situated in a designated Centre, edge of centre or Retail Park it is considered that exceptional circumstances apply in that the 2 drive thru proposals cannot be accommodated at these locations. The nature of the drive thru use is such that it is considered these elements would not draw custom from existing shopping centres and would not therefore result in any significant detrimental impacts upon the shopping and leisure function of designated centres. In principle, therefore, and subject to conditions to prevent the use of the premises to standard restaurants or A1 uses, it is considered the leisure element of the scheme would be acceptable.

The Builders merchant represents a new use which was not part of the extant planning permission. The proposal is for a large 1,918 sqm individual unit to the west of the site. Uses of this type are commonly found on industrial estates and the proposed use is considered compatible with adjoining uses. Given the nature of the use and type of unit required it is not considered there would be more sequentially preferable locations within the centres of the retail hierarchy available in line with Policy RC2. Furthermore, whilst it is acknowledged that there may be an element of 'retailing' associated with a builders merchant, this aspect of the scheme falls within the parameters of a 'unique use', and as such, is not recognised to be an outright retailing unit for the purposes of Policy RC2.

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If an applicant were in future to apply to change this unit to a retail use, then the Local Planning Authority would apply the appropriate retailing policies and it is not considered that a builders merchant use would undermine the application of these policies. It is also considered that this aspect of the scheme would not conflict with the provisions of Policy RC11 and the principle of development is acceptable at this location. It will also support the local building industry in terms of providing a new supply chain through the proposed builders merchant.

Further to the above the proposed development will support the creation of 120 new jobs.

TAN 23: Economic Development supports the above assessment. Section 1.1.2 of TAN 23 states:

- Economic development is development (new or change of use) where the resulting space will be occupied by economic activities;
- An economic activity, or economic land use, is an activity which directly generates wealth (output), jobs and income;
- Generating jobs includes providing or sustaining existing jobs as well as creating new jobs.

TAN 23 also goes on to state that "Economic growth is worthwhile wherever it is located, and in the interests of economic growth the planning system should generally aim to provide land where there is demand for it. It is therefore considered that having regard to TAN 23 the economic benefits of the scheme will be beneficial to the area.

It is therefore considered that the proposed uses comply with the overarching aims of the LDP and are acceptable in principle.

### Visual Amenity

There is a clear commercial/industrial context to the site which is derived from its proximity to relatively large scale industrial buildings.

The application site would front onto the busy A48. The two drive thru units would have a visual presence along this road and, together with tree planting along the site frontage, would form a gateway into the site. The site then opens up into a courtyard arrangement around a central parking area with the units facing into the site. A green edge would be provided along the River Tawe side of the development and landscaped areas would be provided within the parking and circulation areas to break up the surface parking.

The two drive thru units will be single storey and will front on to the entrance of the site. A mixture of external finishes would be used, ranging from metal and timber cladding to render and brick. Large sections of glazing would also be present.

The B2/B8 units (units 4 - 11) would comprise of double height units, finished in metal cladding.

A second block of units comprising units 12-17 would part include B2/B8 units and part include the car showroom. This block will comprise of a double height unit finished in metal cladding with additional glazing for the showrooms. In terms of scale, design and visual appearance, these units are considered appropriate for this commercial context.

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The builders merchant (unit 3) will also comprise of a double height unit to allow for storage/warehousing space. It will appear as an industrial/commercial unit which ties in with the character of the wider site. There will be an associated service yard for the builders merchant which is typical for this type of development. This yard would be to the rear and largely away from the main views of the central courtyard/car park. There is a 2.4m fence proposed to the service area of the builders merchant, this is considered appropriate given the nature of the use. However it does not appear that any additional boundary treatments are proposed within the site. Therefore a condition requiring details of any further boundary treatments shall be imposed.

The design and architecture of the buildings are considered to be acceptable within the predominantly commercial/industrial setting of the Enterprise Park. Whilst the principle of the external finishes are considered acceptable, it is considered necessary to ensure that all specific details are agreed to ensure that they are visually compatible in this location. The proposals therefore accord with Policy PS2 of the LDP.

### **Residential Amenity**

The application site is a considerable distance from existing residential properties and there are no LDP housing allocations that would be materially affected by the proposals. On this basis the proposals do not raise any overriding residential amenity issues and would not conflict with LDP Policies RP1, RP2, RP3 or PS2.

### **Drainage and Flood Risk**

Welsh Water offer no objection to the proposals subject to a condition in relation to compliance with the submitted drainage strategy which confirms that foul flows can be accommodated within the existing system.

The Local Authority's Drainage Engineer has confirmed that the development will require sustainable drainage to manage on-site surface water and subsequent SuDS Approval Body Consent will be required.

Policy ER 1 seeks to mitigate the effects of climate change. RP 5 also seeks to avoid flood risk. The application site is located within a C1 Flood Risk Zone and the applicants have submitted a Flood Consequence Assessment (FCA). TAN 15 describes Flood Zone C1 as areas of floodplain which are developed and served by significant infrastructure, including flood defences and states that development can take place subject to the application of the justification test, including the acceptability of consequences. Section 6.2 of TAN 15: 2004 states that development will only be justified within zone C1 if it can be demonstrated that:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, or
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

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- iii. It concurs with the aims of PPW and meets the definition of previously developed land; and
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In this instance, it is considered that the proposal clearly accords with criteria (ii) in that it forms a key employment area.

In terms of criterion (iii), the proposal complies with the aims of PPW and would constitute previously developed land. The less vulnerable nature of the use aids this interpretation providing the consequences of flooding are considered to be acceptable through an FCA. The proposals are therefore considered to comply with the requirements of criterion (iii).

Figure 2 in section 5 of TAN 15 categorises general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities as less vulnerable development. Given the nature of the proposed development, it is considered that it falls under the 'less vulnerable development' category which weighs in its favour.

The application is being reported to Planning Committee as the application of TAN 15 is closely linked to the LDP policies and as the proposal does not comply with the tolerable conditions for the 1% Annual Exceedance Probability (AEP) plus climate change and the 0.1% AEP flood event scenarios.

Under the 1% AEP, TAN15 requires the site to be flood free. The majority of the site, including the proposed buildings, would be flood free, however some flooding is predicted along the Northern and Eastern site boundary. Whilst this is acknowledged, the predicted depth of flooding in these small areas would be a maximum of 4mm. Given this, it is concluded on balance, that the risk and consequences of flooding is acceptable.

The submitted FCA notes that within the 0.1% event, the entire site floods, with the buildings flooding to a depth of 550mm and the majority of the remainder of the site to a depth of less than 1000mm. Flooding to a depth of 1200mm+ is predicted along the Northern and Western site boundary. Whilst the buildings are within the acceptable tolerances of section A1.15 of TAN15, the remainder of the site does not comply with it.

However, this technical breach needs to be considered in the planning balance. TAN 15 acknowledges that some flexibility is required in existing commercial areas at risk of flooding. In this instance, it is important to note that the development would not increase flood risk elsewhere and NRW have confirmed that this aspect of the development complies with Section A1.12 of TAN15.

It is proposed to raise the finished floor levels of the buildings to 9.35m above ordnance datum (AOD) and wider ground levels to 8.9m AOD. These proposed levels have been determined through mitigation testing exercise to ensure the allowable depths are sought on site but to limit third party flood risk impacts. The site owners also have the ability to sign up to NRW's Flood Warning Service and create a Flood Response Plan which can assist in reducing the risk and consequences of flooding.

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The site and its surroundings has a commercial focus with extant permission on the site for similar low vulnerable uses. Given the economic benefits of the proposal, a degree of pragmatism is considered appropriate and this is considered to have added weight in the balancing exercise. Furthermore, NRW who are the Council's technical advisors on flooding matters, have not objected to the proposal. In conclusion, the proposal is considered to be a less vulnerable development and on balance, the impact of flooding is considered acceptable in this location.

### **Renewable/ Low Carbon Technology**

Policy EU2 of the LDP requires that development maximises the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal. The applicant has submitted an Energy Statement which states that the high efficiency lighting will be used throughout the development. The buildings fabric will be of high thermal performance and solar PV panels will also be utilised.

It is considered that the use of these high efficiency systems will reduce the energy usage of the site and subsequent energy demand. It is therefore considered that these proposals will utilise low carbon technology and will meet the aims of Policy EU2 of the LDP.

### **Ecology, Biodiversity and Trees**

The Council's Tree Officer raises no objection to the proposals subject to a condition with regards to landscaping.

The application is accompanied by a Preliminary Ecological Appraisal and Phase 2 Survey Report. These surveys note that the site contains woodland, scrub, marshy grassland, scattered trees and Japanese Knotweed stands. The surveys concluded that no further survey work for roosting use of trees by bats is recommended.

Part of the site is a Site for Importance for Nature Conservation (SINC). The Council's Ecologist notes that a SINC mitigation strategy has not been submitted. However the submitted documents indicate that the loss of part of the SINC in this location will be mitigated by a landscaping scheme, the woodland to the west of the site being retained with ecological enhancements and enhanced planting along the northern boundary. It should be highlighted that there is an extant planning permission on this site where the loss of the SINC was comparable to that proposed under the current application. The extant permission is a significant material planning consideration, particularly with regards to its loss and the extent of any mitigation that could be secured. It should also be noted that NRW raise no objections to the proposal subject to the inclusion of a condition in relation to the submission of a CEMP given the proximity of the development to the River Tawe.

Therefore, having regard to the fall-back position of the extant permission and the level of mitigation measures proposed, which can be secured via condition, it is considered that impacts upon the SINC is acceptable in this particular instance. Furthermore, subject to the imposition of several other conditions, it is considered that the proposal would not have any significant adverse effects on wider ecology or biodiversity interests, thereby satisfying Policies ER2, ER6, ER8, ER9, ER11 of the LDP.

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### **Highway Safety and Car Parking**

The Local Highway Authority raises no objections to the proposal subject to appropriately worded conditions in relation to access, car parking and cycle parking, a delivery management plan and a construction method statement.

The preliminary left in left out main access is off the A48 is acceptable in principle, this has been accompanied by a Stage 1 Road Safety Audit. The detailed design will be subject to a section 278 agreement with the Local Highway Authority.

A Transport Statement (TS) has been submitted in support of the proposed development. An analysis of accidents in the TS has revealed a cluster at the roundabout junction but no indication that the highways design was at fault nor that there would be any impact on the safety of efficiency of this roundabout as a result of the development.

The car parking area, site layout, internal road layout and drive thru units can be adequately and safely serviced by a 16.5m articulated vehicle, and as such are acceptable. Swept paths have also been provided to demonstrate servicing to plots 1, 2, 3 and 4-11. Whilst swept paths with regard to the servicing for 12-17, a delivery management plan can be conditioned.

The site provides Blue badge car parking, EV Charge points and cycle storage, the site is accessible to regular bus services on Clase road and is in close proximity to the National Cycle Route 43 which runs along the River Tawe to the west of the site. The site is therefore considered to be in a sustainable location although it is likely that principal mode of travel will be by car.

The Highway Authority notes that notice was not served on the Council's estates department. The applicant has subsequently served notice on the estates department and the application forms have been updated accordingly.

Therefore having regard to the above it is considered that the proposals would not be detrimental to highway/pedestrian safety and accords with Policies T1, T2, T5 and T6 of the LDP.

### **Land Contamination**

Policy RP 6 states that development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

In order to consider the land contamination and human health risks the application has been accompanied by a Geotechnical and Geo-environmental Report which includes limited site investigations. NRW have reviewed the report and have noted environmental concerns relating to the use of the site as a former tin plate works and its proximity to an underlying aquifer and the River Tawe. The site investigations indicate there is potential high risk to controlled waters from a number of pollutants.

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In order to address land contamination concerns NRW and the Council's Pollution Control division have recommended a full suite of land contamination conditions to ensure that the risks posed by contamination at the site can be adequately mitigated. Such conditions are considered to be reasonable and necessary given the preliminary findings within the applicant's report and to accord with LDP Policy RP6.

### **Archaeology**

The application has been accompanied by an archaeological desk based assessment which considers the potential impact of the development upon buried archaeology. The Council's archaeological advisors GGAT have reviewed the document and note that the former Dyffryn Tinplate Works once occupied the site. The Historic Environment Record also notes that it may have been a likely site for the Medieval manor house of Kilvey, considered to have been located between the Tawe and the Fendrod.

GGAT consider the remains of the tinplate works, from the 19th century and onwards, make a valuable contribution to the understanding of the metallurgical industry in the Swansea Valley, and its cultural and economic importance in the world.

In order to mitigate the impact of the development on the archaeological resource and following the advice of GGAT, a condition is recommended for the submission of a written scheme of investigation for the implementation of a programme of archaeological work.

### **Other Matters**

It is noted that the proposed development lies in close proximity to the Tawe Riverside Quiet Area. Policy RP2 of the LDP states "Development will not be permitted if it would cause, or result in, a significant increase in levels of environmental noise in an identified Noise Action Planning Priority Area, or would have unacceptable impacts on an identified Quiet Area or the characteristics of tranquillity that led to the designation of a Quiet Area". A Noise Assessment has been submitted and has concluded that the proposals will not have a detrimental impact upon the Quiet Area. The Noise Assessment notes that the existing acoustic environment is determined by industrial noise and adjacent road networks. The predicted noise levels for the development would fall below the existing daytime and evening background noise. It is not therefore considered that the proposals would have an adverse impact upon the Tawe Riverside Quiet Area and therefore accords with Policy RP2 of the LDP.

There is a right of way adjacent to the site (Footpath LT385), however given its location and the location of the proposed development it is not considered that this right of way would be adversely affected.

There has been one objection received during the public consultation stage of the application. Matters relating to trees, Japanese Knotweed, flooding and drainage have been addressed in various sections of this report. With regards to waste and fly-tipping, such comments mainly relate to historical or existing issues. As such, these hold limited weight in the determination of this application and there is separate legislation in place to control such matters. Notwithstanding this, a condition requiring the submission of a Construction Environmental Management Plan (CEMP) is recommended which will ensure that there are no unreasonable impacts upon general amenity during the construction phase of the development.



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## **Conclusions**

The proposal is for a mixed use commercial development at an out of centre location on a brownfield site within the Swansea Enterprise Park. There is extant permission on the site for similar types of uses and development which represents a significant material consideration in the determination of this latest application. Weight is also afforded to the economic development benefits of the scheme and its compatibility with the wider commercial context of the site.

Overall, it is considered that the proposed uses are appropriate within this area and would not result in any significant impact on established shopping centres within the City, including their vitality, viability, vibrancy and attractiveness. It is also considered that the proposals represent an acceptable form of development which would not have a significant adverse effect on visual, residential and general amenity of the surrounding area, nor will it have a detrimental impact upon highway/pedestrian safety, land contamination and pollution or the archaeological resource.

The risk and consequences of flooding is considered, on balance, to be acceptable in this location, and the proposal would be adequately served by appropriate drainage infrastructure. The loss of any trees will be mitigated by new landscaping whilst the loss of part of a SINC has already been established by an extant permission and some mitigation will be secured. There would be no unreasonable adverse effect on other ecology or biodiversity interests. Approval is therefore recommended.

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

## **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:

17052\_EX(0)100 REV B site location plan, 17052\_P(0)110 REV B Unit 1 - proposed plans, elevations & sections, 17052\_P(0)101 REV C proposed site plan - unit 1, 17052\_P(0)102 REV C proposed site plan - unit 2, 17052\_P(0)103 REV C proposed site plan - unit 3, 17052\_P(0)130 REV C Unit 3\_proposed floor plans, 17052\_P(0)140 REV B Units 04-11\_proposed ground floor plan, 17052\_P(0)141 REV A Units 04-11\_proposed first floor & roof plans, 17052\_P(0)150 REV A Units 12-17\_proposed floor plans,

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17052\_P(0)200 REV C proposed site elevations, 17052\_P(0)230 REV B Unit 3\_proposed elevations & sections, 17052\_P(0)240 REV A Units 04-11\_proposed elevations, 17052\_P(0)250 REV A Units 12-17\_proposed elevations & sections, received 25th November 2022.

17052\_P(0)102 REV D proposed site plan - unit 2, 17052\_P(0)120 REV C Unit 2 - proposed plans, elevations & sections, received 1st December 2022

17052\_P(0)300 REV D proposed site sections, 17052\_P(0)400 REV C proposed aerial view form north, 17052\_P(0)401 REV C proposed aerial view form south, 17052\_P(0)200 REV D proposed site elevations, received 5th December 2022.

17052\_P(0)100 REV E proposed estates site plan, received 10th February 2023.

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

- 3 No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 4 No development approved by this permission shall commence until a site-wide scheme to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by the Local Planning Authority. The site-wide scheme shall include the following:

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

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Reason: Controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous use as a tin plate works in accordance with LDP Policies RP1, RP4 and RP6.

- 5 Prior to occupation of any new unit hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority, along with an implementation timetable for the submission of results from the long term monitoring and maintenance plan.

Reasons: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with LDP Policies RP1, RP4 and RP6

- 6 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan and the approved timetable. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with LDP Policies RP1, RP4 and RP6.

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.  
Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

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

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Reason: The water environment is at risk and there is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

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

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

- 10 Notwithstanding the details submitted to date, no development or site clearance 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 new buildings hereby approved 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 and in the interest of mitigating the part loss of the SINC.

- 11 No building hereby approved shall be brought into beneficial use until the access and vehicle and cycle parking works have been completed and made available for use in accordance with the approved drawings. The vehicle parking areas shall be clearly demarcated on the ground, made available for vehicular parking only and shall be used for no other purpose for the lifetime of the development.

Reason: In the interests of highway safety.

- 12 No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain. This should also include measures in place to prevent materials which are stored outside, particularly concrete, from washing into the nearby main river (River Tawe) during period of rain.

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- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Traffic management, including the parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials and site deliveries
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- Wheel washing facilities.
- Measures to control the emission of dust and dirt during demolition and construction and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: In the interests of general amenity, highway safety, pollution control and to protect the natural environment.

- 13 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity, to mitigate the part loss of a SINIC 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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- 14 Prior to the commencement of development a detailed scheme for the eradication of invasive non-native species at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the development hereby approved on site and shall be carried out in accordance with the approved details and timescales.  
Reason: In the interests of the ecology and amenity of the area.
- 15 Notwithstanding the provisions set out within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the A1 use hereby approved shall be used as a bakery and or for the sale of sandwiches or other cold food only and shall be used for no other purpose within class A1.  
Reason: An open A1 use in this location would be contrary to LDP Policy RC2.
- 16 Notwithstanding the provisions specified within Schedule 2, Part 3, Classes A and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the A3 units shall be used as drive thru restaurants/cafes only.  
Reason: The provision of A1 units in this out of centre location would be contrary to LDP Policy RC2.
- 17 Notwithstanding the submitted details, prior to its installation, details of an external lighting strategy to cover the construction stage and operational stage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in accordance with the approved details.  
Reason: To ensure an ecologically sensitive lighting strategy is installed.
- 18 Prior to the beneficial occupation of any unit hereby approved, the foul water drainage system for the site shall be completed in accordance with plan no. 19596-HYD-XX-XX-DR-C-0115 REV P04 foul water drainage strategy. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment
- 19 The development shall be implemented in accordance with the mitigation measures for bats, breeding birds, dormice, badgers, otters, reptiles and amphibians set out within the following documents:  
  
Preliminary Ecological Assessment & Bat Survey V1.0 (30 May 2022, conducted by EcoLogical Services Ltd)  
Ecological Impact Assessment V2 (25 January 2023, conducted by EcoLogical Services Ltd)  
  
Reason: In the interests of ecology and biodiversity
- 20 Prior to the occupation of any unit, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority.

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The boundary treatment shall be completed as approved before the dwelling hereby approved is occupied and shall thereafter be retained as such.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

21 No development shall commence until details 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.

22 The finished floor levels of the buildings, shall be set at 9.35m above ordnance datum (AOD) with the surrounding ground level raised to 8.9m AOD.

Reason: In the interest of flood risk and amenity.

23 The Ultra Low Emission Vehicle (ULEV) charging points, as shown on drawing 17052\_P(0)100 Rev. E, shall be implemented in accordance with the approved details and the charging points shall be available for use prior to the occupation of any of the new units hereby approved.

Reason: In order to ensure the proposed development encourages the use of Ultra Low Emission Vehicles in accordance with PPW and LDP Policy EU2.

24 Notwithstanding the submitted plans, the woodland buffer zone as indicated on drawing 17052\_P(0)100 Rev. E shall be retained to its full extent for the lifetime of the development and shall be landscaped in accordance with the details approved under Condition 10.

Reason: To protect the woodland and in the interests of visual amenity and ecology/biodiversity, in accordance with LDP Policies ER2, ER6, ER9 and ER11.

25 No development hereby approved, including site clearance, ground preparation, temporary access construction/widening, material storage or construction works shall commence until the tree protection scheme, as specified within the document "Arboricultural Report - ArbTS\_537.9\_Clase Road Morriston" (dated 17 November 2022) has been implemented on site. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme. The tree protection scheme shall be retained as approved for the entire duration of the construction phase of the approved development.

Reason: To ensure the retained trees are afforded sufficient protection in accordance with LDP Policy ER2, ER8, ER9 and ER11.

26 The buildings shall not be brought into beneficial use until a Delivery Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be implemented and adhered to at all times for the lifetime of the development.

Reason: In the interests of highway safety and general amenity.

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27 The Dyffryn Close access link as indicated on the approved plans shall be provided and available for use prior to the beneficial occupation of units 3-11. The pedestrian link off St Davids Access Road 1 shall be provided as indicated on the approved plans prior to the beneficial occupation of any new unit hereby approved.

Reason: In order to ensure satisfactory access to the development and in the interests of promoting active travel in accordance with LDP Policies T2 and T5.

### 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 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

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

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 12 - Regional Connectivity

Policy 28 - National Growth Area - Swansea Bay and Llanelli

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, PS4, RC2, RC10, RC11, ER1, ER8, ER9, ER11, T1, T5, T6, EU1, EU2, EU4, RP1, RP2, RP3, RP4, RP5, RP6, and RP10.

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

3 The proposed site is adjacent to an NRW maintained flood defence structure and the proposed outlet will need to cross this embankment to discharge surface water to the River Tawe. These works would therefore require a Flood Risk Activity Permit (FRAP) with more specific details given to how the discharge point will be formed. Details on how to apply for a FRAP are available here: Natural Resources Wales / Environmental permits for flood risk activities.

4 The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, NRW should be contacted for advice at an early stage to avoid any delays.



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- 5 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
  - 6 The applicant/developer is advised that the site is within a Flood Risk Area and, as such, it is recommended that a Flood Evacuation Plan is designed for the site and all occupants of the site sign up to Natural Resources Wales' Flood Warning Service.
-

## Planning Committee – 4<sup>th</sup> April 2023

Item 2

Application Number:

2023/0220/FUL

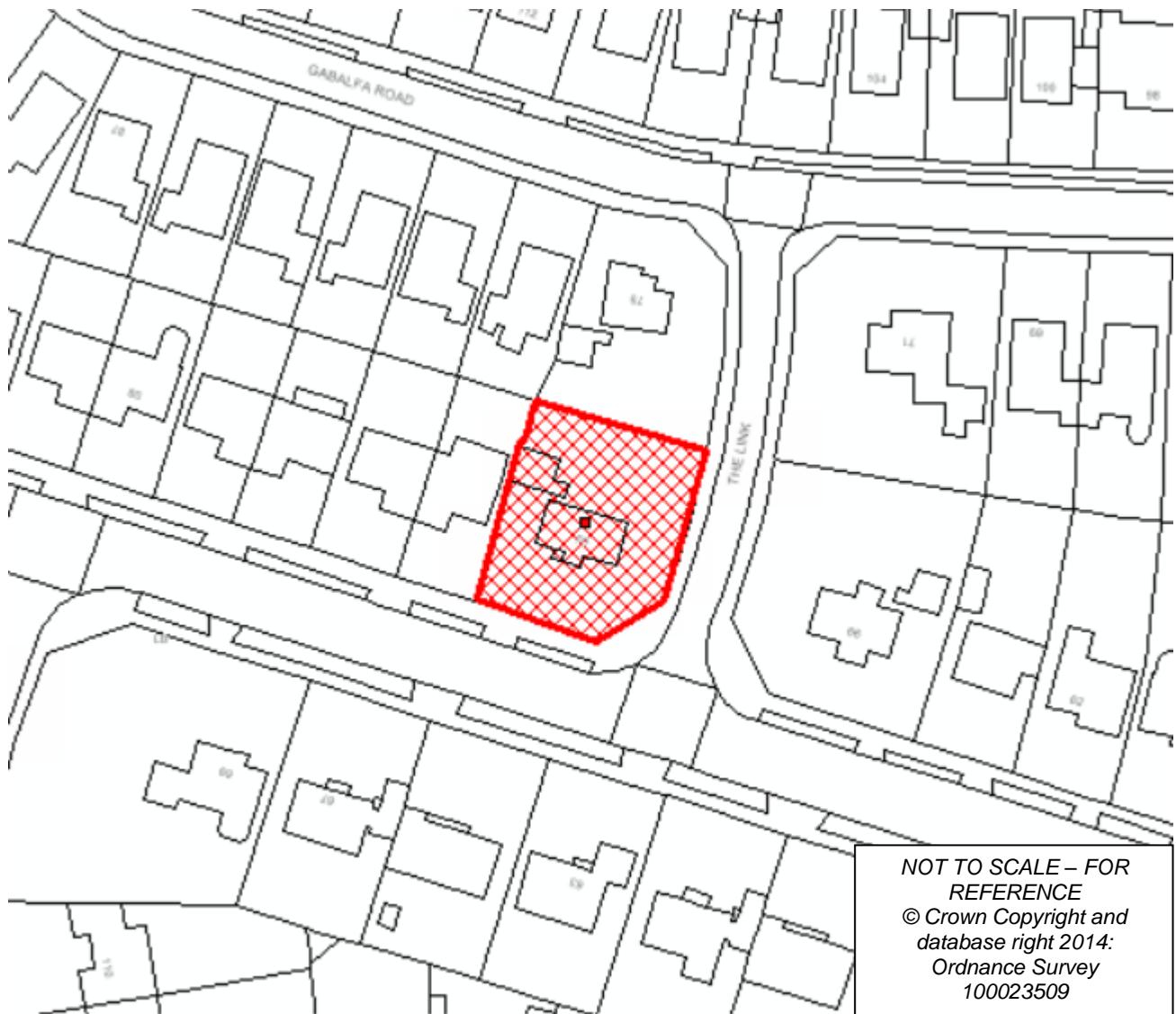
Ward:

Sketty - Bay Area

Location: 70 Rhyd Y Defaid Drive, Sketty, Swansea, SA2 8AN

Proposal: Erection of front boundary gate

Applicant: Mr Craig Davies



### Background

This application is being reported to Planning Committee for determination as the applicant is an Associate Lawyer and an Employee of Swansea Council who is involved in enforcing matters and giving advice to Officers involved in the planning process.

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## Site Location

The application site comprises a traditional detached property, located on a corner plot at the junction of The Link and Rhyd Y Defaid Drive, Sketty. The property benefits from an existing single storey rear extension and sufficient amenity space. The property is in an elevated position to the front highway with a sloped driveway leading upwards to an attached double garage, providing off road parking. The site boundaries are enclosed with low red brick boundary walls (approximately 0.8m in height) to the front and side with shrubbery and close boarded fencing is sited above the wall on the part side boundary. Close boarded fencing is also present to the front, setup from the front boundary in line with the property which adjoins the side boundary fencing at a height of approximately 2m.

## Description of Development

Planning permission is sought for the installation of a front sliding wooden gate at 70 Rhyd Y Defaid Drive, Sketty. The gate measures approximately 1.25m in height by 5m in width providing vehicular access to the property, with a gate located to the side, which provides a separate pedestrian access to the property. The sliding and pedestrian gate is located within a metal frame with a wood infill which will be stained in a light oak colour, as confirmed by the agent (email dated 3rd February 2023).

The original proposal consisted of the gate at a height of approximately 1.5m in height, however, amended plans were submitted 14th March 2023 with a reduction in their height to 1.25m.

## Relevant Planning History

2020/2623/FUL - Single storey rear extension approved 10th February 2021

## 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. The following policies are of particular relevance to the proposal:

Policy 1 - Where Wales will grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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

Good Design Making Better Places

**Item 2 (Cont'd)**

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

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

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

Policy PS 2 states that "[d]evelopment 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 "[a]ll 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 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."

Policy 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 meet specific criteria are met relating to need and impact mitigation/compensation.

### **Supplementary planning guidance**

The Placemaking Guidance for Householder Development (adopted 2021) is supplementary design guidance (SPG) that emphasizes 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.

Section 3 of the SPG sets out the Overarching Placemaking Requirements of the Council in relation to Householder Development, setting out various key design principles against which extensions and alterations to properties will be assessed, such as protecting amenity, understanding your house and local area, respecting context and character and biodiversity gain and enhancement, all of which are applicable to this application.

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Section 4 provides guidance on various types of householder development, setting out general principles of development for all house types, then providing more specific criteria for extensions to the relevant house types.

The Council's Biodiversity and Development (2021) SPG provides guidance to augment Policies ER6, ER8 and ER9 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.

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of 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**

Neighbour and ward member notification letters were sent 31st January 2023 and 2nd February 2023 respectively. To date no letters of response have been received

### **Consultations:**

Local Highways Authority: Whilst in principle there are no objections to the installation of gates to the property, the proposed gates are indicated as being 1.5m high which will obstruct visibility particularly of pedestrians for emerging vehicles. The property is a corner plot at the junction between The Link and Rhyd Y Defaid Drive. It is noted that there are large shrubs either side of the access point but trees and shrubs may be easily trimmed or removed if it is found they obstruct visibility, with the installation of more permanent gates, visibility will be further compromised.

The Highway Authority must object to the proposals as they currently stand due to concerns over restricted visibility however if the gates proposed were no more than 1m high the highway objection would be withdrawn.

Highway comments to amended plans: Amended plans have been submitted which indicate that the previously proposed gates would be reduced to a height of 1.25m.

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**Item 2 (Cont'd)**

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This is still above the 1m height stipulated in previous comments as being the maximum which would be supported by the Highway Authority for solid walls or gates in accordance with guidance contained within the Department of Transport, Manual for streets which states that vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of visibility splays at private driveways will obstruct the view of pedestrians and for pedestrians to be seen by emerging vehicles and consideration should be given to whether this will be appropriate, taking into account the frequency of vehicle movements; the amount of pedestrian activity; and the width of the footway. Consideration should be given to the best means of achieving this and may include the use of boundary railings rather than walls and the omission of boundary walls or fences at the exit location.

Rhyd Y Defaid Drive is a designated City and County of Swansea School Walking Route, with Olchfa Comprehensive and Parkland Primary in the nearby vicinity, therefore visibility of pedestrians is especially pertinent in addition to the usual concerns.

In support of the proposed height, the applicant cites two examples of gates which are higher along the same stretch of street namely at no.s 69 and 57 at 1.4m and 1.3m respectively. It is notable that these gates are formed of railings and are not solid, therefore it is possible to see pedestrians through them and vice versa, for emerging vehicles to be seen by pedestrians. It does not appear that the Highway Authority have been consulted on any applications which may have been made against these properties in the past.

If the applicant wishes to provide higher gates than the 1m stipulated, the Highway Authority would consider this acceptable if railing type gates were provided. It is noted that the planning officer has advised the agent acting for the developer that there are design concerns with the style of the gates and traditional gates maybe more appropriate, perhaps in line with the property opposite, number 69, in order to reduce the visual impact within the street scene.

The Highway Authority sustains the objection to the proposals as they currently stand however if the gate type proposed was reduced to a height of no more than 1m or if railing type gates allowing for visibility were proposed at 1.25m, the highway objection would be withdrawn.

### **APPRAISAL**

#### **Main Issues**

The main issues to consider in the determination of this application relate to impact of the proposed development upon visual and residential amenities and highway safety, 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.

#### **Placemaking/ Visual Amenity**

The immediate street scene comprises of a consistent design in respect of the boundary treatments with predominately low brick walls with some benefitting from soft landscaping above to the frontages. It is noted other properties within the street benefit from traditional railing style gates, with particular reference to Nos. 57 and 69 of comparable scale to the proposal.

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The proposed works will take place to the front of the property and would therefore be highly visible from public vantage points. The Placemaking Guidance for Householder Development states *Point K.2 "Frontage boundary treatments should match the height, materials and type of properties on either side. This is particularly important where they are generally consistent, or a feature of the locality.* It goes on to state *K.6 "Close boarded fencing as an individual treatment will not be acceptable for any boundaries or gates that directly front the public highway or other publicly visible areas."*

The scale and siting of the proposed gate is considered visually acceptable in relation to the host dwelling. Whilst the proposed design and materials of the gate are considered to be out of keeping with the character of the surrounding boundary treatments, given its reduced height from the original submission, it is, on balance, not considered to be a discordant feature to the street scene that would warrant refusal. It is acknowledged the presence of other gates within the street scene, although their style are inherently different to the proposed close boarded design with traditional open railing style gates, which are considered to have a less significant visual impact towards the street scene. Although, a 1.2m, similarly designed gate to that proposed as part of this application was approved in December 2019 at 35, Rhyd y Defaid Drive but has yet to be implemented on site to date. Furthermore, it is relevant to note here that a material consideration exists in that if the height of the gate was reduced by 0.25m, it could be regarded as permitted development under the terms of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and therefore a refusal on design grounds would not be considered appropriate.

On balance, the proposal is therefore considered a suitable form of development in compliance with the requirements of Policy PS2 of the Swansea Local Development Plan 2010-2025 and the Council's SPG Place making Guidance for Householder Development (2021).

### **Residential Impact**

Given the siting of the gate and orientation of the application property, it is not considered to impact the adjoining neighbouring properties in terms of unacceptable overbearance or overshadowing.

### **Biodiversity and Ecology**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Whilst the applicant has not indicated any measures as part of the application, given the minor nature of the development, it is not considered necessary in this instance to secure a scheme of ecological enhancement measures by condition.

### **Access and Highway Safety**

The Highway Authority have clear reservations in this regard based on their expressed view that the height and position of the gate will compromise visibility for the vehicular users of the application property and pedestrians alike and raise an objection on highway safety grounds.

## Planning Committee – 4<sup>th</sup> April 2023

**Item 2 (Cont'd)**

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Notwithstanding the concerns raised by the Highway Authority, a site visit has been undertaken and it is noted that there is existing soft landscaping located along the front boundary of the site which currently provides an obstruction to visibility and the land levels on the site rise steeply upwards with the driveway sited at a higher level to the road/footway, therefore, vehicles will consequently be positioned above the gate when exiting the site, which will allow adequate visibility to pedestrians and vice versa. Therefore, when you look right, the situation is not made worse due to the hedge next door which is higher than the proposed gate and when you look left, the angle of the drive will mean that drivers will be elevated above the pavement and gate so are able to see pedestrians. Also, the gate is not considered to cause an obstruction to the users of the site or have a detrimental impact upon highway safety due to its sliding nature and design and it is therefore considered to comply with the requirements of Policies PS2 of Swansea's Local Development Plan 2010-2025.

### **CONCLUSION**

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

Having regard to all material planning considerations, including the Human Rights Act, the proposal is considered to represent an acceptable form of development. The proposal is considered to comply with the criteria of Policy PS2 of the Swansea Local Development Plan (2010 - 2025), the Future Wales National Plan (2040) and with the guidance contained in the Supplementary Planning Guidance document 'Placemaking Guidance for Householder Development' (2021).

### **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: PLANS: Existing site and location plan, Existing Street View elevation received 28th January 2023, Proposed site and location plans received 31st January 2023, REV B Proposed elevations received 14th March 2023.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.



## Planning Committee – 4<sup>th</sup> April 2023

Item 2 (Cont'd)

Application Number:

2023/0220/FUL

### 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, Policy 2 and Policy 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 PS2 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.
-

## Planning Committee – 4<sup>th</sup> April 2023

Item 3

Application Number:

2020/1492/FUL

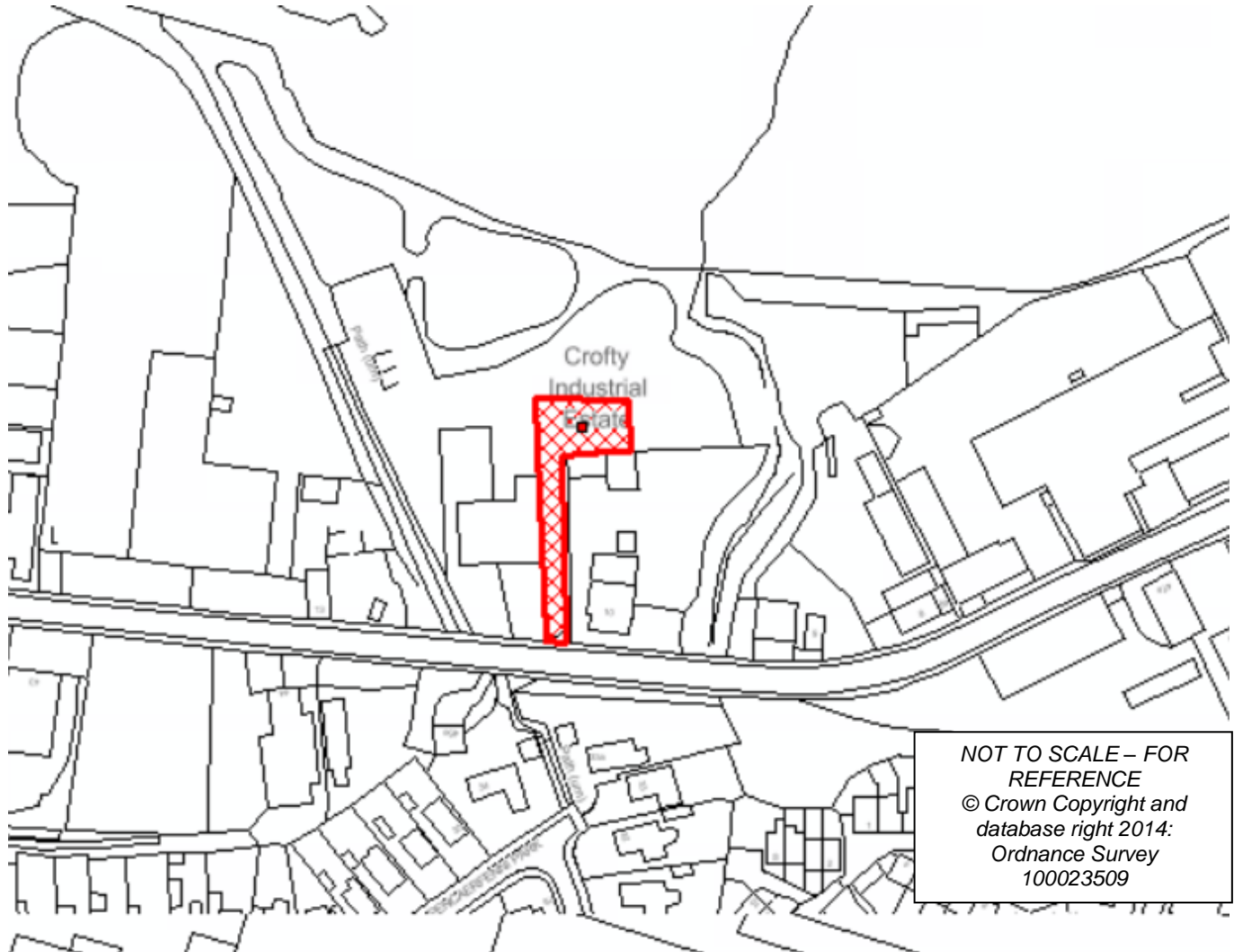
Ward:

Penclawdd - Area 2

**Location:** Land Adjacent To Former Bus Depot, New Road, Crofty, Swansea

**Proposal:** Change of use of former bus depot (Class B8) to a private waste recycling centre (Class B2)

**Applicant:** Mr Richard Edwards



### Procedural Matters

This application is reported to Committee for decision as the development relates to 'waste development'.

### Site Location

The application site is located within Crofty Industrial Estate and is part of a former bus depot which was used for the storage and repairing of buses. Crofty Industrial Estate is characterised by a range of 'B' class uses.

## Planning Committee – 4<sup>th</sup> April 2023

**Item 3 (Cont'd)**

**Application Number:**

2020/1492/FUL

The site lies in close proximity to five ecological international, national and locally designated sites: the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Bury Inlet Special Protection Area (SPA), Bury Inlet RAMSAR, Bury Inlet and Loughor Estuary SSSI, and the Crofty Marsh SINC.

### **Description of Development**

This application seeks full planning permission for the change of use of the former bus depot to a private waste recycling centre. The proposal seeks to import inert, non-contaminated, household and construction skip waste to the site which will then be sorted into separate waste types. The sorted waste will then be taken off site for further processing/reuse/disposal.

It is also proposed to erect palisade fencing to enclose the proposed waste recycling compound. The proposed fencing will measure 2.1m in height. There will also be a gate allowing access to the compound; this will also measure 2.1m in height.

### **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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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

## Item 3 (Cont'd)

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2020/1492/FUL

### Access and Inclusivity

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

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

### Environmental Sustainability

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

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

### Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

### Community Safety

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

### Movement

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

### Car Parking

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

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

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. 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.

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140 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.

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

The following LDP Policies are considered relevant to the determination of this application;

PS 1 In order to deliver sustainable places and strategically manage the spatial growth of the County, the delivery of new homes, jobs, infrastructure and community facilities must comply with the Plan's sustainable settlement strategy, which requires that development is directed to the most sustainable locations within the defined settlement boundaries of the urban area and Key Villages and inappropriate development in the countryside is resisted.

PS 2 Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place.

The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

PS4 Sustainable Employment Strategy- Opportunities for business growth and the potential for the creation of up to 13,600 additional jobs over the Plan period, result in a requirement for 19ha of employment land, provided for through the sustainable employment strategy, which is based on the allocation of areas of employment use incorporated within allocated mixed use Strategic Development Areas (SD's G, H, I, J, K), retention of existing employment land, and allowing small scale employment developments within Key Villages.

RC10 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.

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T1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 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 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.

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

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER 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 the ecological network. Development that could have an adverse effect on such networks and features will only be permitted where specific criteria are met.

RP 1 Safeguarding Public Health and Natural Resources - Development that would result in significant risk to: life; human health and well-being; property; controlled waters; or the natural and historic environment, will not be permitted, particularly in respect of: air, noise or light pollution; flood risk; quality or quantity of water resources; land contamination; land instability or subsidence; sustainable development of mineral resources and sustainable waste management. Development judged to have a significant adverse effect on the integrity of any European Designated Sites will not be permitted.

RP2 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.



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RP3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP 4 Water pollution and 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. Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for floodplain capacity. 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 8 Sustainable Waste Management Proposals - The development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas as identified in the Proposals Map, or areas having the benefit of lawful B2 use, provided that there are no significant adverse effects as specified in the policy. Facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported, subject satisfying policy criteria. Proposals must confirm with the waste hierarchy and have regard to the nearest appropriate installation concept and self-sufficiency principles where necessary and be supported by an appropriate Waste Management Assessment.

### Consultation

#### Placemaking and Strategic Planning Team

#### *Initial Comments*

The application seeks full planning permission for the change of use of a former bus depot (Class B8) to a private waste recycling centre (Class B8). The proposed centre can be categorised as a waste transfer station. TAN21 (waste) defines waste transfer stations as: Facilities which receive waste for bulking into larger containers prior to onward transport to a point of treatment, disposal or reprocessing. The proposed use within the application clearly meets this definition.

The proposal seeks to import inert, non-contaminated, household and construction skip waste to the site, which will then be sorted into type - timber, glass, plastics, metals and stone. The waste will then taken off site for further processing/reuse/disposal. The proposed use is deemed acceptable within the Crofty Industrial Estate, which accommodates B-class employment generated uses and the LDP supports the development of waste facilities which enable the aims of reduction of the amount of waste to be landfilled.

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However, the site lies in close proximity to five ecological international, national and locally designated sites: the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Bury Inlet Special Protection Area (SPA), Bury Inlet RAMSAR, Bury Inlet and Loughor Estuary SSSI, and the Crofty Marsh SINC, and a main thrust of national and local waste planning policy is to ensure that the facilities should not be located in, or near to, locations where they would have a significant adverse impact on areas or sites designated for local, national or international protection.

National planning policy is supportive of waste facilities which meet the aspirations set out within toward Zero Waste and associated sector plans. The policies within the Local Development Plan are in accordance with national waste planning policy. The Welsh Government's policy for waste management is contained in Towards Zero Waste (TZW) and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible. The proposal may help meet the TZW target for reducing the amount of construction and demolition (c&d) waste being landfilled.

Strategic policy PS1 seeks to ensure that development is directed to the most sustainable locations within defined settlement boundaries. 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. Depending on the nature, scale and siting of the proposal, development should also meet the following criteria: i. Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas; iv. Integrate effectively with the County's network of multifunctional open spaces and enhance the County's Green Infrastructure network; ix. Provide appropriate parking and circulation areas for cars, cycles, motor bikes and service vehicles; xiii. Avoid unacceptable juxtaposition and/or conflict between residential and non-residential uses; and xiv. Ensure no significant adverse impact on natural heritage and built heritage assets.

Strategic policy PS4 sets out the LDPs sustainable employment strategy. Paragraph 2.2.39 states that proposals for waste management facilities can be accommodated on industrial land. Policy RC10 seeks to ensure that there is sufficient employment land to accommodate employment generating proposals and diversify the economic base by safeguarding the County's employment landbank for B Class uses.

LDP strategic policy RP1 will not permit development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment. Development will not be permitted if judged to have a significant adverse effect on the integrity of any European Designated Sites, either alone or in combination with other plans or projects.

Policy RP8 supports the development of in-building waste management facilities, including waste transfer stations, subject to a number of criteria. As with most transfer stations, the proposed development will be 'open-air' rather than an 'in-building' facility, but nevertheless the proposal must conform to the principles of the waste hierarchy and have regard to the nearest appropriate installation concept and self-sufficiency principle. Furthermore, policy RP8 states that the proposal must be supported by an appropriate Waste Planning Assessment (WPA).

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A WPA was sought for the application. The detail and contents of a WPA should reflect the scale and type of development and the information required within the WPA is set out in Annex B of TAN 21. The proposal seeks to have a maximum annual throughput of 60 tonnes of inert waste per week (3120 tonnes per annum) and will operate 8-6pm five days a week. It is acknowledged that the proposed development is small scale and will handle inert materials, however the submitted WPA fails to incorporate much of the information outlined in Appendix B. For example, it fails to identify the markets that will be served by the proposed development, fails to explain the proposed developments place on the waste hierarchy, or explain the destination of the end product. Furthermore, given the significance of the sites location, further details would be expected in relation to the compatibility of the proposed development with existing or neighbouring land uses.

The waste hierarchy is a central pillar to inform decisions on waste management options and the objective of the waste hierarchy is to ensure that wastes are managed in a sustainable way. The options for waste management appear in the waste hierarchy as a priority order in waste prevention and management. The proposed development seeks to provide a facility where inert waste will be sorted, which will help reduce the amount of waste going to landfill.

Paragraph 2.14.49 of RP8 clearly states that 'Facilities should not be located in, or near to, locations where they would have a significant adverse impact on areas or sites designated for local, national or international protection.' The site is within 50m of a SAC and SSSI. TAN 21 Practice Guidance, Paragraph 5.3.3 states that transfer stations are not permitted within 200metres of a European site or SSSI, and NRW will be able to provide further advice on this issue, particularly in relation to granting an Environmental Permit for the facility. The hardstanding consists of concrete and the applicant must demonstrate that there will be no likely significant effect upon the SAC, particularly due to surface water runoff from the proposed activity.

The applicant should be advised that the Environment (Wales) 2016 Act places a duty upon the Council to "seek to maintain and enhance biodiversity. The Policies contained in Chapter 6 of PPW 10 clearly set out how the Council should deliver this duty through the planning system. Significantly, para 6.4.5 clearly states that development should not cause any significant loss of habitats or species and must provide a net benefit for biodiversity. The subsequent WG policy clarification letter (23/10/19) clarifies that "where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless significant material considerations indicate otherwise it will be necessary to refuse permission." The Council follows a step-wise approach to maintaining and enhancing biodiversity. This is in accordance with para 6.4.21 of PPW 10. All applications must therefore gather and submit sufficient information to demonstrate that the development can ensure that any adverse environmental effects are firstly avoided, then minimized, mitigated and a last resort compensated for. PPW is also clear that enhancement must be secured wherever possible. LDP Policies ER 6, ER8 and ER9 embed these principles into the Council's local planning decision making framework.

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I note that the application has not been considered against the Habitats Regulations. In accordance with S6 of the Environment (Wales) Act 2016, TAN 5 and LDP Policies ER6, ER 8 and ER 9, there must be no significant adverse effect on the resilience of protected species and that any unavoidable harm caused by the development is mitigated to ensure there is no reduction in the overall nature conservation value of the area.

Strategic Policy ER 1 (criterion vi.) seeks to ensure that development proposals should maintain ecological resilience. As stated above, Policy ER6 of the LDP states that development will not be permitted that would result in a likely significant adverse effect on the integrity of sites of international or national nature conservation importance, except in specific circumstances. Under policy ER6, only development which demonstrates compliance with the Habitats Regulations will be permitted (paragraph 2.9.41). The policy also states that development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. The policy is compatible with Policy ER8 which seek to ensure that development which would have a significant adverse effect on the resilience of protected habitats and species will only be permitted in certain circumstances, as set out within the policy.

As the application site is relatively close to residential properties the potential of noise pollution arising from the development must be considered, as required by policy RP2 in order to ensure there is no adverse impact upon neighbours. PPW states that planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution. Given the proximity of the site to residential properties and the CBEEMS, the Council would require that any external lighting required as part of the proposal must have a maximum limit of 3000 kelvin and accord with Policy RP 3, with regard to light pollution. Policy RP4 will not permit development that compromises the quality of the water environment, or does not comply with good resource management.

The proposal will see lorries deliver skip and skip waste to the site. Policies T1, T5 and T6 set out the transport and parking requirements in relation to a proposed development. Policy T1 vii. seeks to ensure that developments are served by appropriate parking provision and circulation areas and policy T5 iii states that proposals must allow for the safe, efficient and effective movement of vehicles

### Summary

The LDP, in principle, supports the development of a waste transfer station on an existing B-use class site. However, a main thrust of both national and local planning policy is that waste facilities should not be located in, or near to, locations where they would have a significant adverse impact on areas or sites designated for local, national or international protection. Therefore, although the proposal is a relatively small scale operation, due to the site's location, there are a number of issues as outlined above which must be considered in the assessment of this application to ensure that there are no detrimental impacts on the natural environment and surrounding residential properties.

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### *Updated Comments*

The updated Waste Policy Assessment addresses all the necessary issues.

### Head of Transportation and Engineering

The red line has been amended and a separate access and egress point is now indicated in line with what is currently on site. This will overcome the issue previously identified in the submitted swept path analysis with vehicles now being able to enter/leave simultaneously without any impact on traffic on the main road, and vehicles not being required to pass each other within the site.

I recommend that no highway objections are raised to the proposal subject to the site being laid out in accordance with the approved site location plan and maintained as such thereafter with separate access/egress.

### Drainage Officer

The site appears possibly be affected by Flood Zone B and may therefore require Flood Consequences Assessment appropriate to the scale and nature of development.

We suggest consultation with NRW. We have no further comments to make.

### Natural Resources Wales (NRW)

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 foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date a condition regarding protected sites should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

### Foul drainage

No information has been provided regarding the disposal of foul waters from the proposed development. We refer you to WG Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. We advise you the proposed development is in a publicly sewered area.

Please consult us again if foul sewage from the proposed development is to be disposed of by a private sewerage system.

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Protected sites

From the information provided, Natural Resources Wales (NRW) considers that the proposals may affect the Carmarthen Bay and Estuaries / Bae Caerfyrddin ac Aberoedd Special Area of Conservation (SAC). The application is located within 50m of the SAC.

However, the Local Planning Authority will be required to undertake an assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Pollution prevention

Due to the proximity of the Carmarthen Bay and Estuaries SAC we request that the following condition is attached to any planning permission granted.

Condition

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- Construction methods including details of materials, waste, contaminated land
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffer zones, relevant protection measures e.g. fencing, etc.
- Biodiversity Management: tree and hedgerow protection, invasive species management, species / habitats protection and mitigation measures.
- CEMP masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.
- Control of Nuisances: restrictions on timing / duration / frequency of works, e.g. noise / vibration from piling activities, acoustic barriers, dust control measures, control of light spill and conservation of dark skies.
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Traffic Management: deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

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Advice for the Developer

The establishment of a waste recycling centre, in this location, will require a Bespoke Environmental Permit and we advise that you contact our Waste Regulation Team, at the earliest opportunity to discuss this requirement further.

In terms of Waste Regulation, the site would require significant investment in infrastructure to prevent pollution to the nearby environmentally sensitive areas and be subject to regulatory control and inspection. Pollution prevention measures such as impermeable (concrete) surfaces with a sealed drainage system that leads to the foul sewer system may be required. Due to the proximity of European protected sites and a watercourse, any discharge to land in this location would be wholly unsuitable.

It is for the operator to assess what risk their operation poses and provide solutions in order to manage that risk. Additional advice can be found on website in regard to applying for a permit; <https://naturalresourceswales.gov.uk/permits-and-permissions/wastepermitting/apply-for-a-waste-permit/apply-for-a-bespoke-permit-for-a-wasteoperation/?lang=en>

Our planning comments are made without prejudice to any comments we would make at permitting. There is no guarantee that consent will be issued.

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.

Pollution Control Team

The main site is about 100m from a residential property in Pencaerfenni Park; while the entrance to the site on New Road is about 35 - 40m from a residential property in Pencaerfenni Park. The operation is going to be noisy plus the vehicle movements to and from the site. The hours of operation were not specified in the application. I would be grateful if the applicant could advise me on the proposed hours of operation. Other premises in the locality trade generally between 8.30am - 5.30pm Monday to Friday.

**Ecology Officer**

OUTCOME OF ECOLOGICAL INVESTIGATION

Relevant documents reviewed:

- Preliminary Ecological Assessment, Celtic Ecology and Conservation Ltd, September 2021.

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### Protected Sites

The site is close to the Carmarthen Bay and Estuaries European Marine Site. A Habitats Regulations Assessment has been undertaken for the development and it is considered that there will be no likely significant impacts.

### Breeding/nesting birds

Please include the following informative:

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

- Kill, injure or take any wild bird;
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built; and
- Take or destroy an egg of any wild bird.
- Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:
- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

### Condition

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.

### Hedgehog

Please include the following informative:

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.

### Condition

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/>

### Condition

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.



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#### Reptiles & Amphibians

Please include the following informative

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.

#### Lighting Strategy

##### Condition

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

#### Construction Environmental Management Plan (CEMP)

##### Condition

A CEMP for the site shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site.

#### Invasive Non-native species (INNS)

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

#### Landscaping

The use of native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats.

#### Ecological Enhancements

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

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### Condition

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

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

### Sustainable Drainage (SuDS)

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

### Publicity

The planning application was advertised by means of a Press Notice and a Site Notice.

Two letters of objection have been received which are summarised below:

- The exact usage is unknown
- Restrictions should be imposed on working hours.
- What fumes will be emitted and how will they be contained or filtered

### APPRAISAL

#### Main Issues

The main issues to consider in the determination of this application relate to the principle of this type of development in this location, impacts upon visual and residential amenity, ecology, flooding and drainage 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 seeks full planning permission for the change of use of part of a former bus depot to a private waste recycling centre (Class B2 use). The proposed centre can be categorised as a waste transfer station. TAN21 (waste) defines waste transfer stations as: Facilities which receive waste for bulking into larger containers prior to onward transport to a point of treatment, disposal or reprocessing.

The proposal seeks to import inert, non-contaminated, household and construction skip waste to the site, which will then be sorted into type - timber, glass, plastics, metals and stone. The waste will then taken off site for further processing/reuse/disposal. The proposed use is deemed acceptable within the Crofty Industrial Estate, which accommodates B-class employment generated uses and the LDP supports the development of waste facilities which enable the aims of reduction of the amount of waste to be landfilled.

National planning policy is supportive of waste facilities which meet the aspirations set out within toward Zero Waste and associated sector plans. The policies within the Local Development Plan are in accordance with national waste planning policy. The Welsh Government's policy for waste management is contained in Towards Zero Waste (TZW) and associated sector plans. Planning Authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible. The proposal may help meet the TZW target for reducing the amount of construction and demolition waste being landfilled.

A 'Waste Planning Statement' has been received which indicates that the proposal seeks to have a maximum annual throughput of 60 tonnes of inert waste per week (3120 tonnes per annum) and will operate 8am-6pm five days a week. The proposed development is small scale and will handle inert materials. The site will sort waste from domestic properties and commercial facilities. The recycled materials will be taken to registered waste facilities such as Brisco, Dyfed Recycling, Gavin Griffiths and Derwen Recycling. The Waste Planning Statement claims that due to the location of the site within an industrial area and that it will sort only inert waste, that this location is best suited for this type of development.

Policy PS4 sets out the LDPs sustainable employment strategy and paragraph 2.2.39 states that proposals for waste management facilities can be accommodated on industrial land. Policy RC10 seeks to ensure that there is sufficient employment land to accommodate employment generating proposals and diversify the economic base by safeguarding the County's employment landbank for B Class uses. The application site is located within Crofty Industrial Estate and was previously used as a bus depot. The site will be retained for a B Class use which is welcomed and complies with the general aims of the LDP policies.

Therefore having regard to the above it is considered that the proposal represents an acceptable form of development in this location.

### **Visual Impact**

In terms of visual amenity, there will be limited visual impact over and above that which is existing at the site. The site is already covered by a hardstanding which is to be retained.

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The proposal will include the use of a moveable skip for the sorting of waste. It is not considered that the addition of a skip in this location would not give rise to any adverse visual amenity impacts given the industrial estate location.

There are no permanent buildings or structures proposed as part of this development. It is noted that palisade fencing is proposed to enclose the compound. Given the location of the application site within a primarily industrial area, this 2.1m high fencing and gate will not have a detrimental impact upon the visual amenity of the area. In addition, given the site is located some distance from the main road, the fencing would not be overly visible from public vantage points. The proposals will therefore accord with Policy PS2 of the LDP.

### **Residential Impact**

In terms of residential impact, the application site is located within Crofty Industrial Estate where there are a number of industrial uses. Whilst it is recognised that there are residential properties at Pencaerfenni Park to the south of the application site, given its location within Crofty Industrial Estate and the range of B Class uses already within this Industrial Estate, it is not considered that the proposal would give rise to any increased adverse impacts upon the residential amenity of local residents.

The comings and goings and use of the site as a waste recycling centre is not considered to be over and above that of the surrounding land uses and the previous use of the site as a bus depot. It is however considered appropriate to impose a condition that restricts the operating hours of the proposed use, to ensure that the operation of the site is contained to daytime hours, in line with the surrounding uses.

It is considered that the proposals would not have a significant impact upon the residential amenity of any nearby neighbouring property, in accordance with LDP policies.

### **Highway Safety/ Active Travel**

The Head of Transportation and Engineering raises no objection to the proposal. A separate access and egress point will be provided to ensure that vehicles can enter and leave the site simultaneously and in a forward gear. There will be approximately 6 vehicular movements per day which is considered minor and appropriate for this industrial location. It is considered that due to the level of operation proposed, there will be no detrimental highway safety impacts.

### **Ecology**

The site is close to the Carmarthen Bay and Estuaries European Marine Site. A Habitats Regulations Assessment has been undertaken for the development and it is considered that there will be no likely significant impacts.

The applicant has submitted an Ecological Assessment which concluded that there are no ecological constraints on the site and no further ecological surveys were deemed necessary.

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NRW also raise no objection to the proposals subject to the inclusion of a condition with regards to the submission of a Construction Environmental Management Plan. However, given that the proposal does not involve any construction works (other than the erection of fencing), it is not considered reasonable or necessary to impose such a planning condition. The development will however require an Environmental Permit from NRW.

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 not indicated any measures as part of the application and given the nature of the proposal it is not considered reasonable to impose a condition for a scheme of ecological enhancement measures in this particular instance.

### **Flooding and Drainage**

The application site is located primarily outside any flood risk areas according to the NRW DAM Maps. However a small part of the site is located within Floodzone B according to NRW DAM maps. TAN 15 states that in Floodzone B occupiers should be aware of the risks of flooding. Paragraph 6.2 of TAN 15 states that "new development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue".

TAN 15 also states that Zone B is "generally suitable for most forms of development. Assessments, where required, are unlikely to identify consequences that cannot be overcome or managed to an acceptable level. It is unlikely, therefore, that these would result in a refusal of planning consent on the grounds of flooding". It is also important to note that the majority of the site is not within any flood risk zone, although recognising that part of the site is within Zone B and adjacent to Zone C1. No increase in impermeable areas will occur as part of this application and NRW raise no objections to the proposal.

The applicant has confirmed that no connection to foul drainage will be necessary; there are therefore no issues in this regard.

### **Other Matters**

The objections raised with regards to working hours and site usage have been addressed in the main body of this report.

### **Conclusion**

In conclusion it is considered that the proposal represents an acceptable form of development. The nature of the proposed development is such that it is of a sufficiently small scale to not give rise to any significant impacts. The proposals will therefore accord with the provisions of the LDP policies. Approval is recommended.

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

### RECOMMENDATION

#### APPROVE, subject to the 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:  
  
1000 Rev B Proposed Site Location Plan, received 30th September 2022. EXT Rev B Proposed Fencing and Gate Elevation, received 26th October 2022. 1000 Fencing Plan, received 7th March 2023.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of development, an external lighting strategy for the site (including a plan showing location, light spill and specification for any proposed lights on the site) shall be submitted to and approved in writing by the Local Planning Authority. 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>.  
  
The development shall be carried out in accordance with the approved lighting strategy and retained as such thereafter.  
  
Reason: In the interest of ecology and biodiversity to protect bats and other nocturnal species.
- 4 The use hereby approved shall only operate between the hours of 8am and 6pm on any day.  
Reason: In the interests of the residential amenities of local residents.

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### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policies 1, 2, 9 and 28

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 PS1, PS2, PS4, ER1, ER6, ER8, ER9, T1, T5, T6, EU4, RC10, RP1, RP2, RP3, RP4, RP5 and RP8.

- 2 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
  - Take or destroy an egg of any wild bird

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

- 3 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.

- 4 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.

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

- 6 This use will require a Bespoke Environmental Permit and we advise that you contact NRW's Waste Regulation Team
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