

PLANNING COMMITTEE

Report of: Head of Planning Service

Date: 25 July 2023

Application No.: 22/0840/PA

Proposal: Full application for demolition of the existing garage and sales areas and construction of an electric vehicle charging facility, drive-thru restaurant, drive-thru coffee pod, vehicle wash and valet area, together with associated parking and service areas.

Location: Haven Bridge Garage, Honeyborough, Milford Haven, SA73 1QZ

Applicant: Ascona Retail Ltd

THIS FULL APPLICATION IS PRESENTED FOR COMMITTEE CONSIDERATION AS THE SUBMITTED APPLICATION ORIGINALLY COMPRISED A MIXED RETAIL AND LEISURE DEVELOPMENT OF OVER 500 SQ.M OF FLOORSPACE ON A SITE OVER 0.5HA IN AREA (PARAGRAPH 1(g) OF THE SCHEME OF DELEGATION).

1. Recommendation:

1.1 It is recommended that the planning application be **APPROVED** subject to the following conditions:

1. Time period for implementation;
 2. Compliance with approved plans;
 3. Details of external materials;
 4. Details of foul & surface water drainage arrangements;
 5. No works to commence before a S278 Agreement to undertake and implement works on the public highway, including the proposed access arrangement and bus stop facilities (layby, shelter, RTPI and any accommodation works required);
 6. Provision and maintenance of visibility splays;
 7. Details of secure cycle & motorcycle parking;
 8. Details of swept path arrangements for refuse and emergency vehicles;
 9. No operation prior to provision of vehicle parking and manoeuvring areas;
 10. Delivery & Servicing Management Plan;
 11. Construction Environmental & Traffic Management Plan;
 12. Compliance with submitted landscaping details;
 13. Compliance with submitted lighting details;
 14. Contaminated land assessment;
 15. Site Energy Strategy;
 16. Compliance with recommendations of Ecological Assessment & Bat Report;
 17. Provision of vegetation clearance strategy.
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2. Introduction and Main Issues

- 2.1 This application was originally submitted with the following description of development.

Full application for demolition of the existing garage and sales areas and construction of a soft play centre, drive-thru restaurant, drive-thru coffee pod, vehicle wash and valet area, electric vehicle charging bays together with associated parking and service areas.

- 2.2 Having assessed the proposed development in the light of consultation responses received, officers wrote to the applicant on the 29th March 2023 to explain that they could not support the application for a number of reasons. In summary these being:

- i. Conflict with policies of the extant LDP, in particular Policies SP 4 (Promoting Retail Development), SP 14 (Hub Towns), GN.14 (Major Out-of-Town Centre Development), GN.15 (Small Scale Retail), GN.16 (Visitor Attractions and Leisure Facilities) and GN.8 (Protection of Employment Sites and Buildings).
- ii. That the scale of the proposed development was not compatible with the capacity and character of the site and therefore conflicted with Policies GN.1 (General Development Policy) and GN.2 (Sustainable Design) of the extant LDP.
- iii. In light of Policy GN.37 (Protection and Enhancement of Biodiversity) of the extant LDP; Section 6 of the Environment (Wales) Act 2016 and the statutory duty on LPA in the exercise of their functions to maintain and enhance biodiversity; and considering the Welsh Government's approach to net benefits for biodiversity guidance; the proposed development did not allow sufficient provision for either maintaining or enhancing the current ecological value of the site.

- 2.3 Subsequently, officers met with the applicant to discuss how the application could be amended in order to receive officer support. In light of those discussions, the application has now been formally revised to exclude the proposed soft play centre, with consequent changes in the layout of the proposed development and updated supporting documentation.

- 2.4 The main issues arising for consideration are:

- The principle of development – (Policies SP 1, SP 16 and GN.15)
- Impact of development on the character and appearance of the area (Policies GN.1 and GN.2)

3. Description of site

- 3.1 The application site comprises 1.05 Ha of land situated on the north east side of the A477 road to the north of Neyland in the open countryside. The site is in part occupied by a car sales and repair business, with associated external display and parking areas. The roundabout junction on the A477 providing access to Neyland and the Honeyborough Business Park is located approximately 860 metres to the south east. The site is approximately 1.8 kms to the centre of Neyland, 4 kms to the centre of Johnston and 4.75 kms to the centre of Milford Haven 'as the crow flies'.

- 3.2 To the north west, north, east and south the site is bound by hedgerows, beyond which lies open farmland. To the south west the site is open to the highway verge and roadside, where there are two points of access / egress to the A477. The A477 at this point is a two lane single carriageway subject to the 60 mph national limit. On the opposite side of the road there is highway verge, a shared use foot / cycle way and then a hedgerow, beyond which lies open farmland.

- 3.3 The application site is broadly split into two parcels of land, east and west, the boundary between the two is in the main defined by a low grassed bank. Land to the east, approximately 0.5 ha in area, comprises scrubland. In the north east corner, it contains a small compound with an emergency services telecommunications mast.
- 3.4 The balance of the site to the west, is occupied by a car dealership and associated maintenance and repair business, a mixed 'sui generis' (a 'use of its own kind'), A1 Retail & B2 General Industrial use. This comprises a car showroom, parts sales area and garage occupying buildings that are single storey, with a combination of flat and pitched rooves. Externally, there are hard surfaced areas given over to the display of vehicles for sale, staff and customer parking and vehicle manoeuvring.
- 3.5 The buildings are industrial in appearance, provide 777 sq.m. in floorspace broken down to 198 sq.m. car showroom (sui generis), 78 sq.m. A1 Retail and 501 sq.m. B2 General Industrial; and range in height from 4.45 metres to 6.33 metres. It should be noted at this juncture that a change in use of a car showroom to an A1 Retail use is a permitted development, i.e. an application for planning permission to the Council as local planning authority would not be required. In a similar vein, permitted development rights exist for a change in use of B2 General Industrial to B1 Business or B8 Storage purposes, subject to a limit of 500 sq.m.

4. Proposed Development

- 4.1 The planning application proposes development of the site to provide a motorists roadside services facility comprising the following:
- an electric vehicle (EV) charging station (12 chargers) with overhead canopy mounted solar panels;
 - a single storey fast food drive-thru restaurant (A3);
 - a drive-thru coffee pod (A1);
 - a car wash & valet area;
 - car parking;
 - an outdoor play area, SuDS, landscaping and bat roost building.
- 4.2 A single point of access to serve the development, located centrally within the site's frontage to the A477, is proposed. A 'ghosted' right turn lane into the site would be provided from the south. Exit arrangements would provide left and right turning lanes. Central islands within the A477 north of the 'ghosted' right turn lane and across the mouth of the new access would provide pedestrian refuges. The submitted layout plan illustrates footways running north and south of the access point along the site's frontage with the A477, albeit there is no existing footway this side of the road to connect to.
- 4.3 The EV charging station would be located in the northern part of the application site to the south east of the proposed drive-thru restaurant which is located close to the site's northern boundary. Twelve charging stations are proposed, subject to grid capacity, set below two sloping canopies (3.30 metres – 4.60 metres in height) with surface mounted PV panels on the rooves. The applicant states that typically an EV user will spend between 30 - 60 minutes charging even on the fastest chargers, and will often try to coincide this with other tasks such as a break on long journeys, a meal or catching up on work. Some will prefer to wait with the vehicle, while others will prefer to wait at available service facilities.
- 4.4 The drive-thru coffee pod would be located in the southern part of the site. Car parking spaces, 34 in total, would be provided to serve the proposed development and would include two spaces for people with disabilities. A vehicle car wash and valet station is proposed in the southern portion of the site, fronting the A477. This is considered to be a

'sui generis' use and would accommodate two automated car washes, three jet wash bays and four valet bays. This part of the scheme is to allow for the removal of existing facilities at the nearby Ascona Crossways site, controlled by the applicant, in order to alleviate congestion and allow for additional parking at that site.

- 4.5 The drive-thru restaurant would be 5.0 metres in height with a flat roof and four upstands of 6.20 metres in height; the drive-thru coffee pod would have a monopitch roof 3.70 metres at its highest. The coffee pod would also include an upstand projecting from the roof, which would have an overall height of 5.15 metres.
- 4.6 The restaurant, an A3 use, would provide seating for approximately 40 people, toilets and Wi-Fi for those waiting for their vehicle to charge. The restaurant would also be open to other customers, with parking available for those not utilising the EV charging station. The building would primarily be finished externally in beige metal cladding, with contrasting red cladding at eaves level. The four upstands would be finished in wood effect cladding. Glazing and doors would be set within grey coloured frames. The building would be set on a shallow brick plinth. An external bin store would be contained by timber fencing. Internally the building would include dining and servery areas, kitchen and food preparation areas, storage rooms and toilet facilities and would have a Gross Internal Floor Area (GIFA) of 178sqm.
- 4.7 The drive-thru coffee pod, an A1 use, would be finished primarily in grey coloured metal cladding and fascia. The projecting upstand would be finished in white coloured metal cladding. The external bin store would be contained by timber fencing. Glazing and external servery would be set in light grey coloured curtain walling. Internally the building would contain food preparation and servery areas, storage and staff toilet facilities. The building would have a GIFA of 30sqm.
- 4.8 Areas of landscaping are proposed across the site and to its boundaries, incorporating SuDS attenuation features, including swales and planting. The greater part of the proposed landscaping is located on the present 'greenfield' element of the site. Overall, the proposed development would lead to a substantial reduction in the footprint of built development on site and would be contained within a marginally smaller development parcel on site (5,073sqm) than the existing car dealership (5,113sqm). The application anticipates employment of 34 Full Time Equivalent (FTE) staff.

5. Planning History

- 5.1
 - PR/0513/21 - Mixed Use Development consisting of a soft play centre, hot food restaurant with a drive-thru lane, a drive-thru coffee pod and a vehicle wash centre and a shared car park – Advice issued 1st June 2022.

6. Evaluation

Whether the principle of development is acceptable

- 6.1 S38(6) of the Planning & Compulsory Purchase Act 2004 states that:-

'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 6.2 Future Wales – the National Plan 2040 (FW) was adopted on 24th February 2021 and is the national tier of the Development Plan. Policy 6 sets out a 'town centre first' approach to planning for new commercial, retail, education, health, leisure and public service

facilities. In the absence of a development plan allocation, a sequential approach must be used to determine planning applications. The Welsh Government can intervene in the planning application process where a town centre first approach is not being followed.

- 6.3 Planning Policy for Wales (PPW) and TAN 4 Retail and Commercial Development reflect FW and provide detailed guidance on application of the sequential test. Local planning authorities (LPA) should adopt a sequential approach when determining planning applications for retail and other complementary uses. By adopting a sequential approach the first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres. The sequential approach applies to retail and all other uses complementary to retail and commercial centres, including food and drink (A3) uses.
- 6.4 If a suitable site is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites. If no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.
- 6.5 The application site is situated in the open countryside, approximately 700 metres from the closest Settlement Boundary at Neyland as defined by the extant Pembrokeshire Local Development Plan (LDP) 2013 (Policy SP 13 Settlement Boundaries). Policy SP 16 (The Countryside) explains that development which minimises visual impact on the landscape and relates to one of the following will be promoted:
 1. *Enterprises for which a countryside location is essential;*
 2. *Opportunities for rural enterprise workers to be housed in suitable accommodation that supports their employment; and*
 3. *The re-use of appropriate existing buildings.*
- 6.6 The proposed development does not meet any of the criteria of Policy SP 16.
- 6.7 The site is currently occupied in part by an existing business that continues to trade. Policy GN.8 (Protection of Employment Sites and Buildings) is therefore applicable. The policy provides for the redevelopment of existing employment land and buildings provided that at least one of the following criterion are met. These are:
 1. *The present use is inappropriate for the locality;*
 2. *There is adequate alternative provision for employment land in the vicinity; or*
 3. *The continued use of the site or premises has been shown to be unviable.*
- 6.8 The LDP goes on to explain in paragraphs 6.44-6.46 (inc) what evidence is necessary in order to meet the requirements of Policy GN.8. It states that to demonstrate that an existing use is inappropriate for a locality, a developer should provide evidence in terms of its nature, scale and impact on the local road network or on local amenity. In relation to criterion 2, the availability of adequate alternative employment site provision in the vicinity must be demonstrated. In relation to criterion 3, evidence of a lack of viability should include evidence of a lack of financial profit (for example from published accounts) and evidence of an inability to sell / rent the site. In order to demonstrate that a site is unviable for sale or for letting, the developer will be expected to demonstrate that they have marketed the site at an appropriate price, at locations and for a length of time appropriate to the degree of speciality of such a property and the prevailing market conditions.

- 6.9 A Planning & Retail Statement has been provided as part of the application submission and it addresses Policy GN.8. The applicant does not suggest that the existing employment use is inappropriate for its location, officers note that the site is well served in highways terms and its amenity impact is limited to the poor visual quality of the buildings and the associated car parking area. In terms of criteria 2 & 3, the applicant does point towards the availability of vacant employment land and buildings at the Honeyborough Business Park circa 400 metres from the application site. In relation to criterion 3 the applicant states that:

'The businesses on the site are closing due to a lack of business to sustain itself into the future, combined with the need to invest in the existing buildings. The existing buildings on the site are of poor quality and fall well below the standard required for a franchised car dealer. The cost of investment cannot be justified given the current trading performance of the site, and hence the continuation of operations on the site is not viable. It is important to note that only 4 full time staff and one part time member of staff are currently employed at the site, which is far below what can reasonably be expected from the proposed development. It is also important to note that the existing staff will be offered roles at the main WP Lewis site (on the A477 at Cosheston).'

- 6.10 In light of the above, officers conclude that the proposed development does not conflict with Policy GN.8 and note that the proposed development will lead to an increase in employment on site (34 FTE) and subject to the effective implementation of the proposed new landscaping, will lead to an enhancement in the visual quality of the site.
- 6.11 Neyland is categorised as a Town Centre in Policy SP 4 (Promoting Retail Development) and a Hub Town in Policy SP 12 (The Settlement Hierarchy). Policy SP 4 (Promoting Retail Development) indicates that proposals that would undermine the Retail Hierarchy will not be permitted. Policy GN.14 (Major Out-of-Town Centre Development) relates to proposals with a net floorspace of 500sqm or more. The retail element of the proposed development (A1/A3) totalling 195sqm GIFA is, in the view of officers, a minor development. Consequently the proposal must be considered against Policy GN.15 (Small Scale Retail), which states that the development or extension of small scale retail facilities will be permitted where:
1. *The proposal is within a Settlement Boundary; and*
 2. *The proposed use will not impact negatively on the vitality and viability of any Town or Local Retail Centre.*

Officers would acknowledge that the proposed development conflicts with criterion 2 of Policy GN.15 insofar as the application site falls outside of a defined Settlement Boundary. However, the small scale of the proposed development is such that it is highly unlikely it could reasonably be held to impact negatively on the vitality and viability of any Town or Local Retail Centre.

- 6.12 Extant statutory development plan policy as expressed in FW and the LDP is clear that a 'town centre first' approach should be adopted by LPA in the determination of planning applications for new retail development. That approach is supplemented by detailed guidance contained in PPW and TAN 4. Developers must justify proposals that fall outside of town centres by undertaking a Sequential Assessment (SA) that objectively considers the suitability and availability of sites to accommodate their proposed development.
- 6.13 An SA has been undertaken by the applicant. This has assessed available sites within a study area drawn from the South Wales Regional Retail Study 2016, which includes the settlements of Milford Haven, Pembroke, Pembroke Dock and Neyland. This has concluded that there are no available town centre, out of town centre within defined settlement boundaries, or alternative Previously Developed Land (PDL) sites outside

defined settlement boundaries available within the study area that would be capable of accommodating the proposed development.

- 6.14 The SA might be criticised for not considering other sites outside defined settlement boundaries within the study area. However, officers would note that these sites would by definition comprise 'greenfield' sites. Mindful of the particular circumstances and characteristics of the proposed development and PPW advice on the need for proportionate evidence in support of a planning application, officers do not consider it necessary to secure further work to complement the submitted and updated SA evidence.
- 6.15 PPW also provides guidance on the assessment of retail needs. LPA in determining applications outside retail centres are expected to first consider whether there is a need for the additional provision (paragraph 4.3.14) and then notes that the need may be assessed in quantitative or qualitative terms (paragraph 4.3.15).
- 6.16 Paragraph 4.3.17 indicates that it will be for the LPA to determine and justify the weight to be given to any qualitative assessment. The PPW guidance is reflected in TAN 4, paragraph 6.6 indicating that qualitative need is harder to justify and proposals based on this approach should be closely scrutinised to ensure that their development does not have unintended consequences and detrimental impact on existing retail activity within retail and commercial centres; and that the overall objective of applying the qualitative need approach would be to achieve an appropriate distribution and range of sites for retail stores which meets the needs of all communities, particularly of those in rural or deprived areas where existing provision is inadequate.
- 6.17 The application submission provides no assessment of quantitative need for the proposed development, noting that such assessments are usually focussed on the need for additional A1 retail floorspace to accommodate convenience and comparison shopping needs, a position that officers would not dispute.
- 6.18 In terms of qualitative need the application submission notes that there is limited 'drive-thru' restaurant (A3) and / or coffee shop (A1) provision within the study area. However, notwithstanding levels of current provision, the proposed development is presented as a package of development where the elements of retail use are provided in support of a proposed EV charging station and relocated car wash / valet facilities from the Ascona Crossroads site to facilitate on site car parking provision and associated congestion.
- 6.19 In this context, Policies 11 National Connectivity & 12 Regional Connectivity of FW are relevant in the support that is offered for the delivery of new EV charging infrastructure. The Electric Vehicle Charging Strategy for Wales (EVCS) develops the statutory framework provided by FW. It is noted that the proposed development would fall within the category of 'on-route' charging capacity which is typically provided to serve customers mid-way through a journey, for example at roadside service areas where other facilities will be available.
- 6.20 The EVCS states that there are approximately 130 rapid chargers providing on-route charging at approximately 70 'on-route' locations across Wales. Provision in Wales is noted as being much more sparsely distributed than in England and that it is important to address gaps in the network to increase user confidence in the availability of charging facilities on long distance journeys. The strategy also predicts that Pembrokeshire will be amongst the local authorities where demand for 'rapid' and 'fast' chargers by 2025 will be highest, with a required 45 rapid chargers and 90 fast chargers needed. By 2030 the requirement will be for 140 rapid chargers and 165 fast chargers.
- 6.21 The application submission notes that EV charging facilities within the study area are

limited, comprising small numbers of chargers situated in supermarket, fast food outlet or public car parks. There is no 'on-route' type EV charging facility within the study area. The applicant states that proposed development will meet an immediate and growing need for fast and rapid charging facilities in the locality, which would benefit local residents, as well as 'on-route' traffic visiting for business and leisure/tourism purposes.

- 6.22 It should also be acknowledged that there is a potential 'fall-back' in that the existing car showroom and parts sales area could be re-used for A1 Retail purposes through the implementation of permitted development rights. The combined floor area of the car showroom and parts sales area total 276sqm significantly more than the proposed A1/A3 uses (208sqm). The greater part of the proposed development would fall within the existing PDL element of the application site and through the effective implementation of the proposed landscaping will, in the view of officers, provide for a substantial visual enhancement of the site (the potential for significant biodiversity enhancement is also noted below).
- 6.23 Furthermore, officers consider that weight should be given to the policy framework provided by FW (Policies 11 and 12) and the EVCS insofar as the set out the need for substantial new provision in EV charging provision nationally and in Pembrokeshire; and the absence of such provision on a key strategic road in the County.
- 6.24 In light of the potential 'fall-back' position, officers conclude that the visual amenity benefits that will accrue from the proposed development of the site; its PDL status (see below); the associated job creation; and the benefits that will arise from the supply of substantive new EV charging infrastructure on a key strategic route in Pembrokeshire; are material planning considerations that outweigh the identified conflict with the policies of the extant LDP (Policies SP 16 and GN.15) and that the principle of development is acceptable.

Impact of development on the character and appearance of the area.

- 6.25 The applicant suggests that the site is PDL in its entirety. PPW (paragraph A.1.3 below) Indicates that PDL should, wherever possible, be used in preference to greenfield sites where it is suitable for development. However, it is recognised that not all previously developed land is suitable for development, e.g. because of its unsustainable location, the presence of protected species or valuable habitats, or because it is highly contaminated.
- 6.26 PPW also provides a definition of PDL. As noted in paragraph 3.2 above, the site is split into two principal parcels of land. The western parcel, which is occupied by the existing buildings and hardstanding utilised for car parking and vehicle display is clearly PDL. That may not hold true, however, for the easternmost parcel, which visually does not appear to be connected to the use of the western parcel of land. Whilst it may be the case that the entire application site falls within a single curtilage, there is no evidence that all of the land was previously occupied by permanent structures and associated fixed surface infrastructure.
- 6.27 PPW also explains that even if all the land within the curtilage is defined as PDL, this does not mean that the whole area of the curtilage should be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land the whole site should not normally be developed to the boundary of the curtilage. The LPA is expected to make a judgement about site layout in this context, bearing in mind other planning considerations such as such as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas.

- 6.28 As noted above (paragraph 3.1) the application site is in the open countryside. The existing hedgerow boundaries provide little screening in longer distance views. The submitted drawings illustrate the principal building close to the northern boundary of the site, buildings will range in height from 5.15 metres to 6.20 metres. The existing buildings range in height from 4.45 metres to 6.33 metres in height. Overall built floorspace will decrease from 777 sq.m. to 208 sq.m. Furthermore, as noted above (4.8) the proposed development will be contained within a marginally smaller development parcel on site.
- 6.29 The design and external appearance of the proposed drive-thru restaurant / coffee shop are of an idiom typical of modern roadside facilities developed to meet the needs of motorists and other passing trade. Neither building is substantial and both are lower than the height of the tallest building currently on site.
- 6.30 The existing business operates 'normal' business hours, i.e. 09.00-17.00 Monday to Friday, 09.00-12.00 Saturdays and closed on Sundays. No details are provided in the application in relation to opening hours. This is likely to be a reflection of future operators being unknown. However, officers consider that it would be reasonable to assume that operating hours of the proposed development will be substantially longer than the existing. It is not unusual for drive-thru restaurants in roadside locations to operate 24/7.
- 6.31 The applicant has provided details of the proposed lighting strategy and undertaken a Visual Impact Assessment (VIA) to assess the proposed development at one and fifteen years from completion. The Landscape Officer has confirmed that in his opinion the VIA showing daytime and night-time effects, including the longer term effects of planting and screening, is a reasonable interpretation of the likely visual impact.
- 6.32 Policy GN.1 (General Development Policy) states that development will be permitted where certain criteria are met, these include:
1. *The nature, location, siting and scale of the proposed development is compatible with the capacity and character of the site and the area within which it is located;*
 2. *It would not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, odours, smoke, fumes, dust, air quality or an increase in noise or vibration levels;*
 3. *It would not adversely affect landscape character, quality or diversity...*
- 6.33 Policy GN.2 (Sustainable Design) states that development will be permitted where relevant criteria are met, these include:
1. *It is of a good design which pays due regard to local distinctiveness and contributes positively to the local context;*
 2. *It is appropriate to the local character and landscape/townscape context in terms of layout, scale, form, siting, massing, height, density, mix, detailing, use of materials, landscaping and access arrangements / layout;...*
- 6.34 Officers conclude that the proposed development will represent a significant visual enhancement of the application site complying with the provisions of Policy GN.1 and GN.2 of the extant LDP.

Other Matters

Ecology

- 6.41 Policy GN.37 (Protection and Enhancement of Biodiversity) states that:

All development should demonstrate a positive approach to maintaining and, wherever possible, enhancing biodiversity. Development that would disturb or otherwise harm

protected species or their habitats, or the integrity of other habitats, sites or features of importance to wildlife and individual species, will only be permitted in exceptional circumstances where the effects are minimised or mitigated through careful design, work scheduling or other appropriate measures.

- 6.42 Section 6 of the Environment (Wales) Act 2016 places a statutory duty on LPA in the exercise of their functions to maintain and enhance biodiversity. Several habitats including scrub, semi-improved natural grassland and hedgerows are present on site. The ecological reports also confirm that brown long-eared bats are roosting on site and at least four other species are using the site to commute and/or forage. It is also noted that the site is suitable for reptiles.
- 6.43 The submitted Biodiversity & Landscape Plan (drawing reference 210_11 Rev G) illustrates the key design features for biodiversity. These include:
- A bat roost loft;
 - Retention of existing hedgerows with 5 metre buffers to provide new tree planting;
 - Two reptile hibernacula;
 - Native tree & hedgerow species planting;
 - Translocation of common cudweed;
 - Bat friendly lighting;
 - SuDS planting to promote biodiversity.
- 6.44 In light of the above and considering the Welsh Government's approach to net benefits for biodiversity guidance, the Council's Ecologist supports the proposed development subject to informatives in relation to European Protected Species (EPS) and a condition to secure a suitable vegetation clearance strategy vis-à-vis nesting birds.

Transport

- 6.45 A Transport Statement (TS) has accompanied the application and has been reviewed by the Head of Infrastructure (Highways). It is noted that the proposed development is in an 'out of town' location. In light of this and given the distance to existing bus stop provision on the A477, enhanced opportunities for access to the proposed development by means of sustainable transport have been sought.
- 6.46 The applicant has indicated their willingness to provide bus stops including layby, shelter with 'real time passenger information' (RTPI) panels, accommodation works and street lighting, on both sides of the A477. This may be secured by a S278 Agreement under the Highways Act that can be required by a suitably worded condition on planning permission.
- 6.47 Finally, the Head of Infrastructure (Highways) has noted that the increase in traffic arising from the proposed development in the peak periods is not considered to be significant given existing traffic flows. The imposition of suitable conditions should planning permission be granted is recommended.

Contaminated Land

- 6.48 The Pollution Control Team has noted the previous and existing use of the site and consider that it is essential that an appropriate investigation and risk assessment is undertaken to establish the potential risk posed to future users of the site. Suitable mitigation / remediation must also be undertaken should contamination posing an unacceptable risk be identified. Natural Resources Wales (NRW) share these concerns. The imposition of conditions on a grant of planning permission to secure these works are recommended.

Resource Efficiency and Renewable and Low-carbon Energy Proposals

- 6.49 Policy GN.4 (Resource Efficiency and Renewable and Low-carbon Energy Proposals) sets out the expectation that development proposals where appropriate should seek to minimise resource demand, improve resource efficiency and seek power generated from renewable resources and the proposed development does include PV panels situated on the EV Charger canopies. However, a suitably worded condition requiring the submission of an 'Energy Strategy' for the proposed development will enable this matter to be addressed fully.

Conclusion

- 6.50 The proposed development conflicts with the provisions of Policy SP 16 and Policy GN.15. It is not a form of development for which a countryside location is essential, does not entail the re-use of existing buildings and is situated outside of a defined Settlement Boundary (Policy SP 13). However, the 'fall-back' position is such that the existing buildings, which are of poor visual quality, could be put to alternative uses at a scale that is significantly larger than the A1/A3 elements of the proposed development.
- 6.51 The A1/A3 elements are proposed in support of the provision of an 'on-route' EV Charging Station on a key strategic route in Pembrokeshire, new infrastructure contributing towards meeting the challenges of climate change which FW and the EVCS acknowledge to be urgently needed. The scheme will also provide for the relocation of existing car wash / valet services at the applicant's nearby Ascona Crossroads premises, easing congestion at that site.
- 6.52 The proposed development is limited to the part of the site that is PDL and occupied by buildings of poor visual quality, officers consider that substantive visual amenity and biodiversity benefits will arise; and the associated job creation will more than adequately mitigate for the limited loss of jobs from the site's present occupier (and which it is anticipated will be relocated).
- 6.53 Officers conclude that the benefits that will accrue outweigh the identified conflicts with the policies of the extant LDP and that planning permission should be granted for the proposed development subject to the imposition of appropriate conditions.

Well Being of Future Generations (Wales) Act 2015

- 6.54 In reaching a recommendation, regard has been given to the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. It is considered that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Annex

A.1 The Development Plan/Other Material Considerations.

A.1.1 Future Wales – the National Plan 2040

Policy 6 – Town Centre First.

Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where

appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.

Written Justification (page 71)

Planning authorities are encouraged to take a similar approach for smaller developments. It is important for local facilities and homes to be integrated within walkable, mixed-use neighbourhoods, particularly in or adjacent to local centres...

A plan-led approach is the best way to identify the location for these facilities. However, in the absence of a development plan allocation, a sequential approach must be used to determine planning applications. The Welsh Government can intervene in the planning application process where a town centre first approach is not being followed.

Policy 11 – National Connectivity

The Welsh Government will support and invest in improving national connectivity. Our priorities are to encourage longer-distance trips to be made by public transport, while also making longer journeys possible by electric vehicles....

- Create a network of rapid-charging points to enable longer distance travel by electric vehicles throughout Wales....

Policy 12 - Regional Connectivity

The Welsh Government will support and invest in improving regional connectivity. In urban areas, to support sustainable growth and regeneration, our priorities are improving and integrating active travel and public transport. In rural areas our priorities are supporting the uptake of ultra-low emission vehicles and diversifying and sustaining local bus services....

- Ultra-Low Emission Vehicles – Support the roll-out of suitable fuelling infrastructure to facilitate the adoption of ultra-low emission vehicles, particularly in rural areas.

Written Justification (pages 84/85)

The Welsh Government will embrace the adoption of electric vehicles in an inclusive manner, supported by the necessary investment in charging infrastructure. We recognise this will be a greater challenge in rural areas..... It is important that we plan and deliver the infrastructure, and in particular the charging infrastructure, that electric vehicles will rely on.

A.1.2 **The Local Development Plan**

Policy SP 1	Sustainable Development
Policy SP 4	Promoting Retail Development
Policy SP 12	The Settlement Hierarchy
Policy SP 13	Settlement Boundaries
Policy SP 14	Hub Towns
Policy SP 16	The Countryside
Policy GN.1	General Development Policy

Policy GN.2	Sustainable Design
Policy GN.4	Resource Efficiency and Renewable and Low-carbon Energy Proposals
Policy GN.8	Protection of Employment Sites and Buildings
Policy GN.15	Small Scale Retail
Policy GN.37	Protection and Enhancement of Biodiversity

A.1.3 Other Material Considerations / Weight Attached

Planning Policy for Wales (2021)

Significant weight

Previously Developed Land

3.55 Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated.

Definition of Previously Developed Land

Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures. Excluded from the definition are:

- land and buildings currently in use for agricultural or forestry purposes;
- land which has not been developed previously, for example parks, recreation grounds, golf courses and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
- land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
- land which is species rich and biodiverse and may qualify as section 7 habitat' or be identified as having nature conservation value; Environment Act; and
- previously developed land subsequently put to an amenity use.

Notes:

1. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously-developed. However this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as a hospital) the whole site should not normally be developed to the boundary of the curtilage. The

planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. They should consider such factors as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas.

2. This relates to minerals and waste sites which would otherwise remain unrestored after use because the planning permission allowing them did not include a restoration condition. All other such sites will be restored to greenfield status, by virtue of the planning condition. It should be recognised, however, that non-hazardous landfills may not be able to accommodate built development without significant investment and long-term monitoring.

3. Nature conservation value may be identified through Green Infrastructure assessments (see Chapter 6).

Needs Test

4.3.14 In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision....

4.3.15 Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative.....

4.3.16 Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;
- is highly accessible by walking, cycling or public transport;
- contributes to a substantial reduction in car journeys;
- contributes to the co-location of facilities in existing retail and commercial centres;
- significantly contributes to the vibrancy, attractiveness and viability of such a centre;
- assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;
- addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments;...

4.3.17 It will be for the planning authority to determine and justify the weight to be given to any qualitative assessment...

Sequential Test

4.3.18 The Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. In implementing this policy,

4.3.19 If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should

out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

4.3.20 Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk. The extent of a sequential test should be agreed by pre-application discussion between the planning authority and the developer.

4.3.21 The sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres...

Technical Advice Note 4 (TAN 4) Retail & Commercial Development

Significant Weight

6. Tests of Retail Need

6.6 Qualitative need is harder to justify and proposals based on this approach should be closely scrutinised to ensure that their development does not have unintended consequences and detrimental impact on existing retail activity within retail and commercial centres. The overall objective of applying the qualitative need approach would be to achieve an appropriate distribution and range of sites for retail stores which meets the needs of all communities, particularly of those in rural or deprived areas where existing provision is inadequate...

7. The Sequential Test

7.1 The sequential test supports the Welsh Government's policy objective of promoting centres identified in the retail and commercial centre hierarchy, as the most sustainable locations to live, shop, socialise and conduct business. Development plan site allocations or planning applications for retail, leisure and other complementary uses should be subject to the sequential test. The sequential location of development plan allocations or planning applications should be considered in the following order:

- Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available....
- If no suitable sites are available in retail and commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.
- Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out-of-centre

options within, and then outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.

Suitability

7.2 Suitability refers to a site or building's attributes and whether these are sufficient to meet the development requirements of a particular proposal. Where a developer favours a development site on the edge of or outside a retail and commercial centre the developers will need to provide evidence to explain why potential sites or buildings within the centre are unable to accommodate the format, scale and design of a proposed development. This exercise should not necessarily be confined to an individual centre and developers should consult with the local planning authority to ascertain the extent of any search for other potentially suitable sites or buildings within the wider catchment area....

7.4 When allocating sites or when determining applications that are in edge of centre locations, local planning authorities should consider the distance that a site is from the edge of a retail and commercial centre for it to be accessible by foot. Wherever possible edge of centre site allocations or development proposals should be located adjacent to a designated retail and commercial centre boundary, where this is not the case it should not normally be more than 200 to 300 metres from the edge of the centre....

7.5 Developers and retailers should be flexible and innovative about the format, design and scale of proposed development and the amount of car parking needed, tailoring these to fit local circumstances. In particular, developers proposing large scale retail and/or leisure developments with a large quantity of car parking are encouraged to consider whether or not elements of their proposal could be located on a site or number of sites in a centre, rather than automatically seeking to locate on a single edge of centre or out-of-centre site....

Electric Vehicle Charging Strategy for Wales (EVCS)

Moderate Weight

The EVCS sets out the following vision:

By 2025, all users of electric cars and vans in Wales are confident that they can access electric vehicle charging infrastructure when and where they need it.

Wales currently has one of the lower levels of electric vehicle ownership in the UK. This strategy aims to increase public confidence in charging, which will facilitate increased ownership.

Wales is currently behind England and Scotland in terms of the number of chargers available and electric vehicle ownership. The relationship between the number of chargers available and electric vehicle ownership is positive (i.e. more charging supports increased electric vehicle ownership), but slightly different for each part of the UK. Other factors such as geography, demographics, prosperity, policy and institutional frameworks are influential.... (page 13).

On-route charging - Adoption in Wales: There are approximately 130 rapid chargers providing on-route charging at approximately 70 locations across Wales.

There are however significant 'gaps' in the network, particularly for journeys up and down the country north to south/south to north. Whilst in England rapid charging is widely available at a distance of at least every 20 miles, the provision in Wales is much more sparsely distributed... (page 17).

Policy, existing and future charging needs, together with user engagement and public consultation has identified the following key conclusions to be taken forward to action planning:

- The need for a substantial increase in the number of slow, fast and rapid/ultra-rapid chargers available in Wales. The total need for fast charging, alongside home charging will be a key area of focus to promote equality of access to charging.
- The need for better quality charging, to improve the user experience for electric cars and vans, including better accessibility and inclusivity.... (page 33).

A.2 Consultation Responses

A.2.1 Head of Infrastructure

Highways

The existing site is located near to the existing NCN Route 4, and has a Local Authority segregated cycleway in place on the A477, a County Highway Publicly Maintainable Road. This portion of the A477 is not part of the Trunk Road Agency network. The nearest existing bus stop is located approximately 1km to the North, and South, serving Route 349.

Amended plans have been received to remove the proposed 'soft play centre' which formed part of the original submission. Supporting documents have been received that reflect the amendments to the planning application.

Trip Generation

The existing trip generation associated with the Car Salesroom has not been provided; however, a TRICS Assessment would indicate approximately 10 two-way movements across the AM Peak period (08:00-09:00), and 7 two-way movements in the PM Peak period (17:00-18:00); with a total of 72 two-way movements across the 0700 – 19:00 period, for a 777 sq.m car salesroom.

The proposed development has indicated within the transport assessment, that there is an expected vehicle trip generation for the whole of the proposed development (all uses) with a peak of 129 two-way movements at 12:00 – 13:00, with an AM peak (08:00 – 09:00) of 68 two-way movements and a PM peak (17:00 – 18:00) of 98 two-way movements (Table 2, Transport Statement).

The high level assessment provided within the Transport Statement, indicates that for all land uses, the peak two-way movements associated with the site fall outside the AM/PM Peak Highway Network Hours.

An existing traffic counter south of the access indicates an Average Annual Daily Flow (24 hours) for all vehicles of 12,424 in 2021 on the A477. In order to assess the impact of existing traffic during the Peak Highway Network Hours, a typical 15% of all recorded traffic can be used in each peak hour. Assigning 15% of all

traffic to the AM and PM Peak hours would indicate an hourly flow of 1,863 vehicles (two-way movements), or 31 vehicles per minute in each direction.

In comparison to the existing traffic already upon the A477, the additional peak traffic of one vehicle per minute in either direction would not be considered significant.

Junction Layout & Access

The current access arrangement onto the A477 consists of two access points, one north and one south of the existing building. The proposed development would close the existing access points and provide an upgraded access junction with dedicated right turn lane and pedestrian crossing. The proposed highway layout will consist of two 3.5m running lanes (north and south) and one right-turning lane (3.2m width) into the site. There will be a need to widen the existing carriageway within a S278 Agreement in order to ensure the works on the highway take place to an agreed standard. Detailed design drawings will be required to be submitted, however, there is sufficient forward visibility within the carriageway to accommodate the right turn lane and good visibility in both the northbound and southbound directions for the uncontrolled pedestrian crossing.

Parking

The Applicant proposes to provide 32 standard parking spaces, 2 disabled spaces along with 12 electric vehicle spaces (a total of 46 vehicle spaces). There is a proposed total of 34 full time equivalent staff members indicated within the planning application. Pembrokeshire Parking Standards for indicate the following requirements per use:

Classification	Size	Parking Spaces Required (Zone 2-6)		Parking Spaces Provided (as indicated on Dwg 20197NY 210-99 Rev B)
		Visitors	Staff	
A1 (Retail)	30sqm	2	-	-
A3 (Food & Drink)	165 sq.m	13	-	46
Total:		15	34	46

No provision has been made for motorcycle parking. Motorcycle parking should be 5% provision of all car parking spaces, while cycle parking should be an equivalent of either 1 stand per 100 sq.m of shop or, for a place of entertainment, 1 stand per 10 staff. Cycle provision should be provided to meet standards for staffing – indicated at 34 staff members within the Application Form. At this level, a provision of 4 cycle stands will be required to meet minimum standards, an area for cycle parking has been indicated on the proposed site plan layout.

Deliveries

The quantity of deliveries to the site has not yet been determined, as there are no end-users identified for the fast-food or coffee outlets (Transport Statement, Para 3.5.3). Swept path arrangements have been included which indicate there is sufficient room for an emergency vehicle/refuse vehicle to enter/exit the site in forward gear and to turn around within the site.

Dedicated delivery/waste bays have been indicated (DWG 20197NY-210-99 Rev B) for the fast food and jet-wash areas. It is anticipated that the coffee retailer and jet-wash facility will share the set down point for delivery/refuse vehicles. The County Highway Authority (CHA) has no further comments on this aspect.

The timing and frequency of the delivery vehicles will need to be agreed within a Delivery and Servicing Management Plan, prior to occupation and once the end user has been identified for the site. Where possible, co-ordination of delivery schedules and waste removal should be agreed within the site.

Sustainable Transport

Route 349 passes directly in front of the proposed development, with existing stops to both the north and south of the site. The Applicant has not proposed any bus stop facilities at the site, which would be considered with the realm of a development of this size and scale. As such, the CHA has liaised with the Applicant directly in order to secure a bus stop facility (including layby, shelter and any accommodation works) on both sides of the A477 to be agreed within a S278 Agreement.

Conclusion

The application has been considered by the CHA who, having assessed the application on safety, capacity and policy grounds, recommends that conditions be imposed on any permission granted.

Drainage

From 7th January 2019, all new developments of more than one property or where the construction area that has drainage implications is 100 square metres or more will require sustainable drainage systems (SuDS) for surface water. The SuDS must be designed and built in accordance with Statutory SuDS Standards published by the Welsh Ministers and SuDS Schemes must be approved by the local authority acting in its SuDS Approving Body (SAB) role, before construction work begins.

Pembrokeshire County Council as SuDS Approving Body (SAB) considers that by virtue of the fact that the construction area having drainage implications appears to be in excess of 100 square metres; the proposed works will require SAB approval prior to the commencement of any works on site relating to this application.

The granting of planning permission does not remove the requirement to gain SAB approval. It would be prudent for an informative to this affect to be included in the decision notice when determining this application.

A.2.2 Council Landscape Officer

This application appears to have made a good attempt to keep lighting of an acceptable type and level:

- They propose a fair proportion of bollard lighting;
- The 'colour' of the light is relatively warm at 2700K (akin to a household tungsten light bulb apparently and on the 'warm' spectrum so better for nocturnal animals and also the human comfort band);
- A light map is provided that appears to show relatively little lateral spread;

- The taller (5m) columns have back-light-shields that hopefully stop the spread of light outwards;
- They have provided a visual impact assessment showing daytime and night-time effects, including the longer term effects of planting screening, which is a reasonable interpretation.

The landscape proposals are considered to be acceptable.

A.2.3 Council Ecologist

The new proposed site layout is welcomed and it is pleasing to see that the retention and enhancement of existing habitat on site has been addressed.

I have also noted the Landscape Officer's latest comments and agree with all of his suggestions in terms of planting mixes and management. I would support the inclusion of his recommendations being provided with the application in order to meet the Environment Act duties.

The external lighting proposals are also welcomed and I have no adverse comments to make regarding this.

BATS

The survey identified bat use within the building on site by brown long-eared bats.

On the basis of the information submitted it is considered that a NRW development licence will be required to carry out the demolition works.

A condition must be included on any consent securing the proposed mitigation (bat house) as detailed in the submitted ecological report and the proposed drawing titled 'Proposed Bat Roost House'. The long term management of the bat house must be agreed with NRW at licensing stage.

In accordance with Welsh Government advice in their letter to Chief Planning Officers dated 1st March 2018 the following advice must also be added to any approval of the application. This must be placed clearly on the decision notice.

Warning: a European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

NESTING BIRDS AND REPTILE – SENSITIVE VEGETATION CLEARANCE

The vegetation on this application site may potentially be used by nesting birds and reptiles.

It is recommended that the applicant be made aware that under the Section 1 of the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill or injure any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use or being built.

It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981. The adder, grass snake, common lizard and slow worm receive protection under the Wildlife and Countryside Act from killing and injury.

A sensitive clearance strategy for birds and reptiles should therefore be prepared by a competent ecologist and submitted to the LPA for consideration prior to the commencement of any works and the strategy implemented as approved. This must be a condition of any consent.

A.2.4 Pollution Control Team (Contaminated Land)

The proposed development lies within the confines of a maintenance and repair garage. It is understood also that the site was at one point a petrol filling station. Records indicate that there were four underground fuel tanks on site for DERV, diesel, unleaded and 4 star which were decommissioned and removed in 2014.

Based on the DoE Industry Profile 'Road Vehicle Fuelling, Service and Repair – Garages and Filling Stations' potential contamination can arise associated with the storage, spillage, leakage or disposal of raw materials or waste products. In the past contamination of the ground from spillage was common due to overfilling or faulty pipes or caps etc. Contamination of the ground may also be caused by petrol/diesel leaking from underground tanks and pipe works. Petrol and diesel are highly mobile and can have potential to contaminate a wider area. In the past, waste oils and other fluids from repair garages are likely to have been disposed of down nearby drains or thrown on to open ground. Combustible materials may have been burned on-site along with some of the waste oils. Contaminants typically associated with workshops include heavy metals, waste oils, anti-freeze, brake fluids, solvents, lead based paints and asbestos.

Whilst the fuel tanks were removed and anecdotal information suggests that they were encased in concrete with no visible signs of contamination noted during removal, there remains uncertainty at present regarding the risk posed by potential contamination at the site, from the use as a maintenance garage and in the areas of the former fuel pumps. It is not known what is stored in the 'storage building' labelled on site. Although the majority of the site will be covered by hardstanding or buildings there is the risk of any potential contamination impacting underground services or any vapours building up in confined spaces within the buildings. It is essential that an appropriate investigation and risk assessment is undertaken to establish the potential risk posed to future users of the site. Suitable mitigation / remediation must also be undertaken should contamination posing an unacceptable risk be identified.

It is the responsibility of owners/developers to determine the extent of any contamination on site and ensure safe development and secure occupation. Before any development works commence on an area of land it must be determined whether or not it is contaminated and what works may need to be carried out to make the land 'suitable for use'. The Council has a duty to ensure that the developer will carry out the necessary investigation and proposal for dealing with any contamination in a responsible and effective manner.

Conditions are recommended if permission is to be granted.

A.2.5 Dwr Cymru Welsh Water

Request that if the Council is minded to grant planning permission that conditions and advisory notes are included within the permission to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

A.2.6 Natural Resources Wales

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions to any planning permission granted to require a Construction Environmental Management Plan (CEMP) and to address contaminated land.

A.2.7 Health & Safety Executive

Do not advise against the granting of planning permission.

A.2.8 Llanstadwell Community Council

- Support development in principle;
- Concern at proposed access arrangements, consider these to be inadequate given level of traffic and speeds.

A.2.9 Representations

Two letters of representation have been received raising the following concerns: The A477 between Sentry Cross roundabout and Honeyborough roundabout has become extremely busy since the removal of the tolls on the Cleddau bridge. The volume of traffic is increasing all the time. This stretch of road is becoming dangerous. To my certain knowledge there have been five significant accidents in the last 18 months to two years. One necessitated an air ambulance transfer of a critically injured person to the major trauma centre in Cardiff.

Turning right either off the A477 at Sinclair's garage or down the lane to Glenowen Hill can be dangerous. There have been at least two rear impacts where the traffic behind has failed to stop. The filter lane to turn right into the garage is barely wide enough to allow vehicles to safely wait.

At peak times it is quite common now to have to wait up five minutes for a gap in the traffic in order to turn right onto the A477. There have been several accidents related to this.

Specifically on the other side (east side) of the road it can be extremely difficult to turn out of Haven Garage on to either direction of the A477 because the traffic is travelling 60 mph and often faster and the road curvature means it is almost impossible to see both ways and have a clear vision far enough to be certain that it is safe to enter the A477. Clearly turning right is more difficult than turning left.

My opinion is that the extra traffic generated by this proposed development will make what is already a dangerous stretch of road even more dangerous. It would be possible to mitigate this by constructing a roundabout and having a 30 mph zone to include the new roundabout and the road to the Honeyborough roundabout.

I note the revised planning application which has removed the soft play facility from the original application.

This has not addressed my original objection which is entirely about road safety.

I have no objection to the development of the site but I do strongly believe that the proposed access is inadequate. The road is extremely busy and the volume of traffic is increasing every month. The road is not wide enough to safely have a turning lane in the middle. I accept that the access to the petrol station and Sinclair's dealership has a right turning filter lane in the middle of the carriageway. However there have been a number of minor accidents and multiple near misses related to the right turning filter.

There have been at least 5 significant accidents on this stretch of road in the last 3 years to my certain knowledge.

I would recommend constructing a roundabout. I would also strongly recommend that the 40 mph limit is extended to the west of the junction. What happens at the moment is that traffic trying to join the main road at the Crossways junction find it extremely difficult to judge the speed of the traffic as it tends to accelerate just as it reaches the end of the 40 mph restriction. This has resulted in accidents.

The road curves on both sides of the access to the proposed site which limits the distance that vehicles can be seen and also makes it very difficult to look both ways and judge with any degree of certainty whether it is safe to join the carriageway.

Installing a roundabout would slow the traffic and allow safe entry and exit from the main carriageway. It would also facilitate the option of not allowing right turns onto the carriageway at the Crossways junctions and out of the existing garage as the traffic could go west then double back at the new roundabout.

Background Documents:

(Copies of all the Background documents referred to in this report are available on the planning application file for inspection by Members of the Planning Committee on request to the Planning Support Team).

- Consultation responses from Head of Infrastructure (Highways & Drainage), Dwr Cymru / Welsh Water, Health and Safety Executive, Natural Resources Wales.