

## APPENDIX B

ITEM APPLICATION NO. 2013/1815  
WARD: Castle Area 1

**Location:** Phase 1, Parc Tawe, Plantasia, Swansea, SA1 2AL

**Proposal:** Alterations to existing retail park comprising demolition of vacant piazza units, kiosks, and some retail floorspace (A1/A3 Use), substantial demolition of the enclosed walkway, demolition of vacant Class A3 former pizza restaurant, alterations and refurbishment of building facades, physical enhancements to the existing footbridge and associated ramp, creation of 4 no. kiosks (Class A1/A3), use of Units 2A, 2B and 3 for Class A3 purposes, erection of a standalone drive-thru restaurant unit (Class A3), reconfiguration of car parking layout, erection of 3m screen walling; landscaping and public realm works and associated highways works.

**Applicant:** Mr R Beresford

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
Policy CC1 - UDP	Within the City Centre, development of the following uses will be supported:- (i) Retailing and associated uses (Classes A1, A2, A3), (ii) Offices (B1), (iii) Hotels, residential institutions and housing (C1, C2, C3), (iv) Community and appropriate leisure uses (D1, D2, A3) (v) Marine related industry (B1, B2). Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy CC2 - UDP	New retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy CC3 UDP	The St David's/Quadrant area is defined as the area of highest priority for redevelopment in the City Centre. A comprehensive retail led mixed use regeneration scheme should be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination. Any other retail based development, whether within or outside the City Centre, will be evaluated against this aim. Development proposals that would put at risk the comprehensive retail led regeneration of St David's/Quadrant area, or would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the retail core, will not be supported.

Policy CC4 - UDP	Definition of appropriate uses and floorspace in Parc Tawe (Phase 1), and consideration of other proposal within the Parc Tawe area. (City & County of Swansea Unitary Development Plan 2008)
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV4	New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)
Policy EV5	The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)
Policy EV6	Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: <ul style="list-style-type: none"> <li>i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,</li> <li>ii) A reduction in the quality of surface water run-off.</li> </ul>

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

- Policy EV36 New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV38 Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS1 Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS2 Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS4 Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS6 Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

## **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
88/1291/06	PARTLY ILLUMINATED INTERNAL AND STATIC FASCIA SIGN Decision: *HRP - REFUSE PERMISSION Decision Date: 04/10/1988
98/6031	ERECTION OF INTERNALLY ILLUMINATED FASCIA SIGN Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 29/05/1998

2005/0711	Mezzanine floor (application for a Certificate of Proposed Lawful Development) Decision: Withdrawn Decision Date: 28/07/2005
2005/0714	Mezzanine floor (application for a Certificate of Proposed Lawful Development) Decision: Withdrawn Decision Date: 28/07/2005
2006/1137	Installation of louvre panels on south east elevation Decision: Grant Permission Conditional Decision Date: 22/06/2006
88/1869/06	NON-ILLUMINATED SHOP SIGN, 'SUPERSTORE' 9.5MM X 0.800 (CAP HEIGHT) INDIVIDUAL LETTERS FIXED TO CLADDING Decision: *HRP - REFUSE PERMISSION Decision Date: 31/01/1989
98/6076	ERECTION OF 3NO INTERNALLY ILLUMINATED FASCIA SIGNS AND 1NO NON ILLUMINATED FASCIA SIGN Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 23/10/1998
99/1229	ERECTION OF 4 NO. CHILLER UNITS ON 2ND FLOOR ROOF Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 19/10/1999
2001/1904	One internally illuminated individual letter sign on south east side elevation, one internally illuminated individual letter sign on front elevation, one internally illuminated entrance sign and two internally illuminated information signs Decision: Grant Advertisement Consent (C) Decision Date: 18/01/2002
2005/0715	Mezzanine floor (application for a Certificate of Proposed Lawful Development) Decision: Withdrawn Decision Date: 28/07/2005
2008/1711	Retention of one internally illuminated high level sign Decision: Grant Advertisement Consent (C) Decision Date: 10/11/2008
2009/1483	Change of use from retail (Class A1) to take-away patisserie (Class A3) Decision: Grant Permission Conditional Decision Date: 16/11/2009

2011/0587	Change of use from retail (Class A1) to fish tank pedicure Decision: Grant Temporary Permission Decision Date: 15/06/2011
2005/2145	Installation of ventilation louvres to existing window openings to north eastern and north western elevations Decision: Grant Permission Conditional Decision Date: 06/12/2005
2006/1189	Installation of ventilation louvres to existing window openings to south eastern and north western elevations Decision: Grant Permission Conditional Decision Date: 22/06/2006
2008/2332	Internally illuminated double sided free standing display unit Decision: Refuse Advertisement Consent Decision Date: 19/02/2009
99/1007	RETENTION OF ROLLER SHUTTER AND ALTERATIONS TO FRONT ELEVATION Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 03/09/1999
A00/6021	2 NO INTERNALLY ILLUMINATED FASCIA SIGNS Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 28/04/2000
A01/6012	ERECTION OF 3 NO. HIGH LEVEL NON ILLUMINATED WALL MOUNTED SIGNS Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 06/03/2001
A01/0197	Construction of replacement front foyer extension Decision: Grant Permission Conditional Decision Date: 27/03/2001
2001/1872	New shop front Decision: Grant Permission Conditional Decision Date: 14/01/2002
95/6111	Erection of 6.5 metre high internally illuminated freestanding gantry sign Decision: Appeal Dismissed Decision Date: 23/10/1996
2007/2339	Use of unit as a retail shop (Class A1)(application for a Certificate of Proposed Lawfulness)

Decision: Withdrawn  
Decision Date: 15/06/2009

2009/0268      One internally illuminated high level sign to front elevation  
Decision: Refuse Advertisement Consent  
Decision Date: 11/05/2009

A00/6109      ERECTION OF 2 INTERNALLY ILLUMINATED PYLON TOTEM SIGNS  
Decision: \*HRC - REFUSE CONSENT  
Decision Date: 06/03/2001

2012/0710      Installation of two wall mounted satellite dishes  
Decision: Grant Permission Conditional  
Decision Date: 13/07/2012

2002/1349      Retention of one internally illuminated individual letter sign on south east side elevation and one internally illuminated individual letter sign on front elevation  
Decision: Grant Permission Conditional  
Decision Date: 04/10/2002

2003/0112      Change of use from retail unit (Class A1) to an amusement arcade (Sui generis)  
Decision: Refuse  
Decision Date: 18/03/2003

2008/0373      Two internally illuminated free standing display panel  
Decision: Refuse Advertisement Consent  
Decision Date: 27/03/2008

88/1157/06      TWO POST SIGNS TO FRONT OF UNIT IN SOFT LANDSCAPING AREA.  
Decision: \*HRP - REFUSE PERMISSION  
Decision Date: 06/09/1988

89/0983/11      MULTI-STOREY CAR PARK  
Decision: Withdraw  
Decision Date: 14/05/1992

2002/0117      Construction of single storey detached centre manager's office/security building  
Decision: Grant Permission Conditional  
Decision Date: 05/03/2002

2005/0712      Mezzanine floor (application for a Certificate of Proposed Lawful Development)  
Decision: Withdrawn

Decision Date: 28/07/2005

2005/0722	Mezzanine floor (application for a Certificate of Proposed Lawful Development) Decision: Withdrawn Decision Date: 28/07/2005
2005/1867	Two illuminated fascia signs Decision: Grant Advertisement Consent (C) Decision Date: 24/02/2006
2007/2543	4 no. internally illuminated lamp post advertisement display panels Decision: Refuse Advertisement Consent Decision Date: 10/01/2008
2011/0638	Siting of a mobile catering unit Decision: Grant Temporary Permission Decision Date: 01/07/2011

## RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. No public response received. TWO LETTERS OF OBSERVATION have been received. The principal points of which are summarised below:

1. Any improvement to the poor quality, ugly and decreasingly prosperous Parc Tawe site is welcome, and Hammerson's overdue proposals are, in this regard, clearly an improvement upon what exists.
2. Proposals however do not go nearly far enough in the contribution they aim to make to the regeneration of the city centre.
3. Ideally, the uses of the site should be reconsidered as part of the wider city strategy, but even accepting that it is to remain a shopping and leisure complex with a lot of car parking, the current proposals fail to take up important opportunities to integrate these uses better with the city and to significantly enhance the nearby environment in line with the Council's strategic objectives.
4. The aim of reconnecting the City Centre to the Tawe as an enhancement of Swansea's waterfront character - in addition to efforts to improve access to the seafront to the south and west - has rightly been a core planning policy since at least the adoption of the UDP. Since then, SA1 and developments in the Hafod and Morfa have increased the importance of the Tawe edge of the city core, and by any measure - but especially in terms of character, access and sustainability - the Parc Tawe site is essential to this objective.
5. Policies 10 and 11 of the emerging LDP support at a strategic level complementary retail developments and the overriding priority of enhanced connections to the Tawe and the Seafront, though no policies for specific areas which supplant those in the UDP have yet been put forward.

6. The Swansea City Centre Strategic Framework (SCCSF), identifies as a priority that the relationship between the retail core and Parc Tawe needs to be improved.
7. The Strand, its numerous historic industrial buildings, and its curve which preserves the memory of the original course of the River Tawe and which is part of the spine of the medieval street pattern of central Swansea, is essential to understanding the full significance of many nearby heritage assets and the historical development of Swansea as a whole. It retains pockets of character despite unsympathetic development. The street is a neglected asset, especially in light of the need to strengthen the north-south movement links parallel with the river, and links from the retail core to the river. However, the Strand is a spatial weak link, and Park Tawe is a key cause of its present failure.
8. The SCCSF states on page 16 that "Parc Tawe to the east of the City Centre is separated from the City Centre retail core by level changes which make pedestrian movement difficult, and includes larger format retail and leisure units which are substantially car dependent." City Centre Regeneration policy CC4 of the UDP deals with Parc Tawe, and calls for "landmark buildings and a quality public realm". "Development and physical improvements will specifically be sought on the Strand/Quay Parade frontages whilst respecting the regeneration initiatives arising from the rest of the City Centre. This will help generate the activity and viability between Parc Tawe (Phase 1) and the rest of the City Centre." The importance of active frontages and spaces is supported by the diagram on page 24 of the SCCSF.
9. This application does only the absolute minimum to restore the character and importance of the Strand, but more critically it offers little prospect of additional activity to the west and no new east-west permeability.
10. No more do these proposals realistically promise animation of the Quay Parade frontage. The best that can be said is that by concealing some of the ugliness of what exists, the proposals might make these streets somewhat less unappealing, but they will add no new permeability or animation.
11. The proposals might help attract new tenants to Parc Tawe, but as the plans make clear, these will all be gathered around the eastern car park frontage, presenting to neither the Strand nor directly to Quay Parade, and are unlikely to act as a generator of activity or as an additional draw of footfall across the site from the rest of the City Centre.
12. The Parc Tawe complex is clearly part of the setting of the listed buildings Swansea Castle and the Castle Cinema, as well as the eastern edge of the Wind Street Conservation Area. There is no doubt that the settings of the Castle and Castle Cinema will not suffer as a result of the proposals, but they will benefit from them scarcely at all.
13. Page 22 of the SCCSF notes that the Castle "lies next to a derelict site and blank facades. This compromises the setting of the Castle in this location." It is now in the power of the applicants to make some amends for the harm done by the low quality public realm around the Strand service areas of the BT Tower and Parc Tawe. The setting of heritage assets is a material consideration in planning decisions.



14. PPW states clearly that proposed development should not conflict with the objective of “preserving or enhancing” the character or appearance of a conservation area, or its setting; the proposals provide for maintenance and superficial improvement to the status quo, but offer no positive enhancement of the Wind Street Conservation Area. Only a night-time Proposed Visual of the improved footbridge is provided, which might cast doubt on the enhancement of even this low quality part of the public realm around the development.
15. Instead of a high quality bridge - which if well designed could positively contribute to the character of the conservation area - the bridge, even as improved, is a utilitarian connection with a temporary look. The closest to a landmark building the proposals offer to the existing public realm is the weak turret at the south end of the Strand frontage.
16. Generally, views from historic parts of the city centre - especially from Worcester Place and from the bottom of Castle Lane on the Strand - are at most superficially improved by proposed cladding and attempts to disguise blank and impenetrable walls with greenery. Better views from the east of the site towards the city centre (as in Proposed Visual 6) are welcome, making a new visual link with the city core, but this benefit accrues mainly to the retail development itself in adding character and connection. Views from, for instance, near the recently upgraded public areas around the Castle towards the river and the lower Swansea valley, will still be dominated by the bland roofscape of Parc Tawe.
17. More broadly, the UDP includes, under the aim of 'Creating a Quality Environment', Goal 1 - to “Sustain a healthy, visually attractive, ecologically and historically rich environment” - which would seem to propose a much more ambitious approach to this neglected part of the centre. It is visually important for the lower Swansea valley, historically important to the city, ecologically important as near-waterfront, and important for creating new sustainable pedestrian and cycle connections.
18. The UDP's environmental policies mention greenery, lanes and footpaths. Admirably, Goal 5 of the UDP - Improving Accessibility - recommends an Integrated Transport System with objectives including: “to conserve and enhance the historic and cultural environment”, and “to promote cycling and walking and the provision of high quality public transport”. The historic and cultural environment is thus made a critical part of plans for managing and improving movement around Swansea, and for creating our waterfront city. Parc Tawe falls immediately adjacent to two key routes for this objective, which are currently curtailed and compromised: Castle Lane, between Wind Street and the Strand; and Welcome Lane and lanes to the north which meet the Strand east off High Street. These spots are in turn directly connected to two critical junctions - College Street - High Street - Castle Bailey Street; and Wind Street - Caer Street - Castle Bailey Street - which are, as of February 2014, scheduled for multi-million pound investment, such is their importance. The linkages diagram on page 28 of the SCCSF shows these two key east-west routes abruptly curtailed at the Strand. Not to pursue and extend forthcoming strategic public realm improvements in connection with the large Parc Tawe scheme only a few dozen metres away risks wasting the investment and cramping its effectiveness.
19. With the welcome new development at the top of Wind Street, Castle Lane will suddenly regain interest as an ancient urban route; this will benefit the Castle, since

its significant elevation with the distinctive arcading is best viewed from Castle Lane and Wind Street.

20. The bottom of Castle Lane moreover preserves something of the mercantile waterfront that is otherwise lost in Swansea. It arrives, however, at a car park and service entrances to Parc Tawe and the BT Tower. If the proposals were more ambitious for Parc Tawe's main city frontage, this area could regain some character and draw as a new iconic city centre spot.
21. Similarly, an important east-west connection in the city ought to draw pedestrians and cyclists on sustainable journeys down College Street from the redeveloped Kingsway junction, down Welcome Lane and onwards to the river and St Thomas. Instead, Welcome Lane is a bleak traffic queue, which arrives at an impenetrable rear-elevation of Parc Tawe, and a service yard in Strand Row. UDP Policy CC6 (accessibility) objective vi. calls for "extending and improving the quality of pedestrian routes through the City Centre and its connections with the Waterfront". The present application has nothing to say about this area, yet immediately to the north some of Swansea's most historic urban grain - where the High Street descends to the Strand - is rapidly decaying, for want of activity and accessibility. The northern range of Parc Tawe Phase 1 is, practically speaking, only accessible by car from the east, or by the footbridge link past Plantasia and the cinema and turning north; the public realm between Parc Tawe north and south reinforces this isolation from the upper High Street and the Station. Had pedestrian interest in this area not been sacrificed to the two Parc Tawe developments - despite the UDP's connection of heritage and the street network - the Grade-II listed Bush Hotel might not have been quite so hopelessly neglected and then lost.
22. Accessibility and waterfront connections are repeatedly closely linked to city centre regeneration through UDP policies. The present application provides for no added permeability through the Strand or Quay Parade frontages, merely tidying existing entrances. They only upgrade the one existing through-link eastwards towards the river by partially exposing it and improving its facades - an enhancement which is both superficial and a half measure, since the linkage will still lead nowhere but the carpark of the development itself, where a wilderness of tarmac stretches to the dual carriageway and the invisible river. The SCCSF confirms, Parc Tawe "has no relationship with the river".
23. Parc Tawe dominates the city centre as it meets the diverted Tawe. The strategic heart of the UDP deals with city centre regeneration. Paragraph 6.3.1 aims specifically:
  - To establish a high quality City Centre environment closely integrated with the Seafront and River Tawe, creating a unique Waterfront City.
  - To deliver major enhancements to the public realm, leading to the creation of a network of attractive streets, spaces, gateways and corridors.
  - To improve accessibility to and within the City Centre by reducing congestion, delivering a fast and efficient public transport network with improved facilities and enhancing pedestrian linkages both internally and to the Waterfront.

These aims cannot be realised without the integration of Parc Tawe. Hammerson's

proposals continue to prioritise cars and parking: though it is undesirable, that is in the nature of this shopping complex.

24. On the frontage which presents to the city centre though, and which mediates between the historic heart of Swansea and its Tawe waterfront today, the proposals are as superficial and half-hearted as they could feasibly be. By barely considering the setting of important heritage assets when a crucial opportunity to correct existing harm is apparent, they undermine current conservation efforts. They provide no new or better connections for city centre and waterfront access, which is an obvious minimum requirement of the UDP, instead merely repackaging an existing route. Generally, they do not offer a whisper of the imagination Swansea's planning policy clearly hopes to encourage in strategic areas that have long been blighted by poor quality and interim development.
25. This application aims to extend the commercial life of the development by perhaps another 20 or 30 years. This is, then, a generational chance to re-plan a large strategic city centre site.
26. Hammerson's desire to renovate and invest in Parc Tawe is welcomed, and the proposals are better than nothing, but little more can be said for them.
27. It is noted that the number of Blue Badge parking spaces is proposed to be 39. The total number of parking spaces to be provided is 829. Under Swansea Parking Guidelines 6% of the total parking spaces should be Blue Badge compliant this would give a minimum of 50 spaces i.e. 11 more than proposed. It is obvious that the designers have not consulted the Parking Guidelines and it is requested that they be made to supply 50 spaces. As such a simple provision for disabled access has been ignored it is asked that planning officers check all access provision closely for this development.

**Natural Resources Wales** – We would have no objection to the proposed development, but would like to make the following comments.

#### *Flood Risk*

As your Authority is aware the application site lies within zone C1 as defined by the development advice map referred to under TAN15: Development and Flood Risk (July 2004). Our Flood Map information also confirms the site to lie within the 1 in 1000 year probability flood outline.

However, we recognise that application is in the most part for the alteration and refurbishment of an existing building which houses mixed A1/A3 use. It is therefore considered to be low vulnerability under TAN15. We are satisfied that a flood consequences assessment (FCA) is not required in this instance, however the developer should be made aware of the potential flood risk to the site. We would; also recommend that appropriate signage should be erected within the building and car parking area to make users aware of the risk of flooding and the actions and/or evacuation procedures to be followed during an extreme event. We would refer you and the developer to Appendix 6 of TAN 15 in this regard, which outlines relevant Health and Safety Act duties.

In addition, we would recommend that the developer incorporate some flood resilience measures as part of the refurbishment works. This could include resilient walls, floors, doors, electric wiring etc. Further information on flood proofing can be found in the ODPM

publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'. This may be viewed on the Planning Portal website:

### *Drainage*

In terms of drainage, we acknowledge that the existing system will be used. However, if there are any opportunities to install some sustainable drainage techniques (SUDS) to manage surface water then this should be taken. For example, retrofitting some grey water recycling/grey-water harvesting. Also, it may be possible to divert the surface water from the main sewer to soakaway (if ground conditions are acceptable). You may wish to discuss opportunities to manage surface water from the site further with your Authorities drainage engineers.

### *Contaminated Land*

This site is considered brownfield land and it is possible that past uses have led to contamination. However, given the nature of the proposal we are satisfied that a full site investigation is not needed in this instance. However as a minimum, to ensure there is no risk of pollution to controlled waters from any contamination that may be present, we would ask that a condition to deal with any unforeseen contamination be included on any permission granted.

Please note that with regard to land contamination, we only consider issues relating to controlled waters. You are advised to consult with your Authority's Public Health Department for advice in relation to other receptors such as human health.

### *Pollution Prevention*

Construction and demolition activities can give rise to pollution. It is therefore important that appropriate provisions are made for dealing with dust pollutions, surface water management and waste storage during the demolition and external alteration/construction works.

It is therefore important that appropriate pollution prevention measures are in place during the length of the project. It is recommended that the developer produce a detailed construction management plan (CMP), which provides full details of the measures in place to reduce the risk of contaminated surface run-off from entering and pollution controlled waters.

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

Your Authority may consider including an appropriate **condition** to this effect.

### *Waste Management*

As demolition works are included as part of this proposal, we would recommend that a site waste management plan (SWMP) is produced. Completion of a SWMP will help the developer /contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website (.

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such, the requirement for a SWMP may be best provided under condition on any permission granted.

Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website;

### *Ecology*

In relation to the Ecological Building Inspections that were carried out by Waterman Energy, Environment & Design Ltd. We note the findings of the report, as laid down in sections 1.9 to 1.12.

NRW are generally supportive of the conclusions and recommendations made in sections 1.14 to 1.17 of the document. Although the retail units are considered to be of negligible value for roosting bats, the applicants should be reminded that if any bats are encountered during works, the development must stop immediately and NRW contacted for further advice.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. NRW recommend that you consult your Authority's Planning Ecologist/Internal Ecological Adviser, with regard to the application.

**Welsh Water** – Request for any planning permission granted that conditions and advisory notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Glamorgan Gwent Archaeological Trust** – The area is close to the centre of the early settlement area of Swansea, near to the castles and the river, which would have been the centre of the sea trade. Evidence of this, and the changing types of docks, wharfs and associated features which are known to form deeply stratified remains, were the reason for requesting the evaluation.

The work was undertaken by GGAT Projects, interim report ref: P1712 dated July 2014, shows that three trenches were opened in line with the specification for the work. All of these showed a depth of concrete and tarmac that overlay a depth of rubble comprising stone and brick and other materials. It is likely that this layer represents the re-deposition of rubble from the bombing of Swansea during World War 2, when buildings were demolished and the remains spread over many areas of the city, and archaeological work has encountered this in different areas. During the evaluation, potential unexploded ordnance (incendiary) was encountered and the Police and Bomb Disposal Unit called; the object was deemed safe. The masonry wall remains encountered in Trench 3 is likely to be the edge of the Albion Dock; it is on the correct alignment and of a substantial and mortared nature unrelated to the looser rubble which forms the matrix around it. The depth of this beneath the current ground level is likely to ensure its preservation in-situ, as it is approximately 3m bgl. Taking these results into account, it is unlikely that any

archaeological remains encountered would be of sufficient importance to warrant further evaluation; the results also provide us with sufficient information to recommend the attachment of a condition for the development, which can be mitigated by ensuring the ground disturbing work is done under archaeological supervision.

We conclude that mitigation can be achieved by undertaking the groundworks under archaeological supervision, and with suitable contingencies in place to ensure that sufficient time and resources for fuller archaeological investigation to be undertaken is allowed.

We therefore recommend that a condition should be attached to the consent, requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief; this will also 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. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

*No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.*

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.*

**South Wales Police Crime Prevention Officer** – Observations made in respect of CCTV, access, service areas, signage, landscaping, lighting, car parking, bin stores, drainpipes, building shell security, access control, door security, window security, intruder alarm systems, computers and secure areas.

**Pollution Control** – Request conditions relating to unforeseen contamination, new or replacement ventilation/fume extraction systems, new or replacement external plant/machinery and the provision of a Demolition/Construction Site Management Plan. Request informatives in respect of construction noise, smoke/burning of materials, dust control and lighting.

## **Highways -**

### **1. Introduction.**

The site currently operates as a mixed use development with associated parking facilities. There is an overall loss of parking resulting from the redevelopment but there is also a corresponding loss of floor space associated.

The site is well served by public transport and is also in close proximity to the National Cycle Network route which runs along side the river Tawe.

### **2. Access to the site**

The existing vehicular access to the site are to be maintained for both the customer areas and the staff/servicing areas (off the Strand). There is also a new coach parking area being provided adjacent to the Plantasia building within the site boundary which should be beneficial in terms of health and safety for visiting parties.

The main access junction for customer traffic is off Plantasia (Parc Tawe Link Road) via a signal controlled junction. No changes are proposed to this access junction which will continue to operate as currently.

Servicing access is currently provided from two separate priority junctions and these are also being retained.

There are several pedestrian access points into the site off the surrounding road network of Quay Parade, New Cut Road, The Strand and the road that divides Parc Tawe Phase 1 with Parc Tawe Phase 2 (known as Plantasia). The pedestrian permeability is greatly improved as a result of the proposed works.

There is a main pedestrian access through the site to the west of Plantasia and similarly there are two main pedestrian exits onto the Strand, one at grade which leads into the Strand directly and one elevated which crosses a bridge and links to Worcester Place/Castle Street.

There are proposals to refurbish the bridge and provide an at grade pedestrian crossing to provide enhanced pedestrian crossing facilities. The off site works can be secured via a condition to be completed under a section 278 Agreement with the Highway Authority. This will then link into the Castle Lane development.

## 1. Transport Statement (TS)

A Transport Statement was submitted which outlined the proposed changes and the likely impact on parking and traffic in general. The scope of the T.S. was agreed with CCS Highways prior to the report being produced.

There is a net loss of 1575 square metres arising from the redevelopment (which includes the 186 square metres drive through restaurant.) There is an associated loss of parking of 24 customer spaces and 27 staff spaces compared to the existing provision.

On a pro-rata basis the current parking rations is 1 space per 29 square metres and following the redevelopment the same ration is being maintained. Obviously this is a very simplistic approach as different use classes have different parking requirements but overall it can be seen that on balance there is very little change in the parking provision.

A parking survey was undertaken in September 2013 over a Friday and a Saturday . This provided a daily profile of the number of vehicles parked and duration of stay. The results showed that saturation occurs currently on a Saturday afternoon and that 11% of cars stayed longer than the 3 hours limit. There is a camera system in operation intended to send parking tickets out by post for those exceeding the allowable stay but this is not currently in operation. No figures have been produced as to how many tickets are issued in a typical day as this has not been introduced, nor has it been shown how the loss of parking may be mitigated for. The TS states that as the redevelopment results in a loss of 24 spaces it is proposed to introduce measures to better manage car parking and ensure that capacity is available in the future. These will include better enforcement of existing parking restrictions to keep the verges clear, increased foot patrols to minimise

inconsiderate parking and issuing of tickets to those drivers that fail to comply, better enforcement of existing parking restrictions using ANPR technology to reduce down the number of vehicles exceeding the three hour limit.

## 2. Parking

Disabled parking (39 spaces) is shown at 6% of the total car parking numbers and motor cycle parking (21 spaces) is also included at 3% of the total car parking numbers. There is also a proposal to upgrade the existing cycle parking facilities to provide 75 cycle parking stands located in a number of areas along the retail frontage.

## 3. Pedestrian and cycle facilities

Part of the aim of the proposals is to improve the pedestrian permeability and cycle users of the site by the following methods:

- Widening of the existing at grade pedestrian facilities to Quay Parade and Plantasia
- Refurbishment of the existing footbridge that links the site to Worcester Place
- Additional cycle parking to be provided to make up the 75 spaces required.
- The installation of a new at grade pelican crossing on the Strand as per Vectos drawing 131086/A/05

## 4. Summary

It has been shown that the proposed redevelopment will not have a significant detrimental impact on parking or traffic in the area. There are a number of proposals which can be secured by condition to ensure that the loss of parking will not be a problem in the future, and that measures to enhance pedestrian provision will lead to an increase in non car modes of transport to the site.

## 5. Recommendations

I recommend that no highway objections are raised to the proposal subject to:

1. The cycle, motor -cycle and disabled parking to be laid out in accordance with the approved plans prior to beneficial use of any of the units commencing.
2. Refurbishment of the existing footbridge at the rear of the site linking to Worcester Place in accordance with details to be submitted for approval to the LPA, this should include details of proposed containment of any debris and a method statement to ensure that the Strand is properly protected.
3. Widening of the existing pedestrian crossing between the site and Plantasia (link road) in accordance with details to be submitted for approval to the LPA and undertaken under a section 278 agreement with the Highway Authority
4. The installation of a new at grade pelican crossing on the Strand as per Vectos drawing 131086/A/05 under a section 278 Agreement with the Highway Authority.
5. A car parking management plan to be submitted for approval to the LPA to ensure that the parking provision is being properly managed and contained within the site.
6. The applicant be required to submit a Travel Plan within 12 months of this consent and this travel plan be required to be implemented prior to beneficial occupation of any of the units.

## APPRAISAL



## *Introduction*

The application is reported directly to the Development Management and Control Committee in accordance with the Council's Constitution as an application of strategic importance.

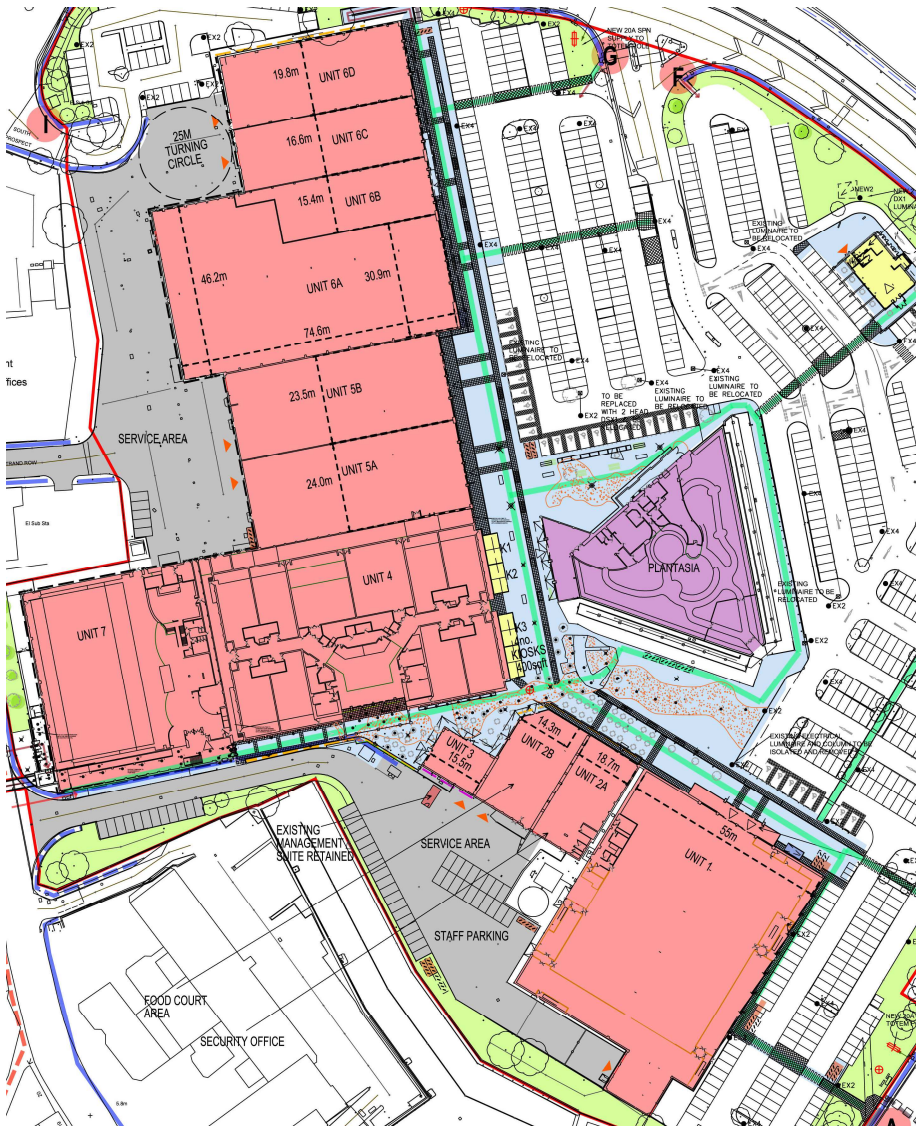
The application is supported by the following documentation:

- Design and Access Statement;
- Planning and Retail Statement;
- Transport Statement;
- Ecological Buildings Inspection;
- Archaeology letters dated 20<sup>th</sup> and 27<sup>th</sup> March 2014;
- Consequential Flood Risk Assessment;
- Geo-environmental Statement;
- Retail Impact Assessment; and
- A letter of legal advice covering the restrictive sale of goods condition and suitable mechanisms for achieving this purpose.

## *The Proposal*

The application seeks full planning permission for alterations to existing retail park comprising:

- Demolition of vacant piazza units, kiosks, and some retail floorspace (A1/A3 Use);
- Substantial demolition of the enclosed walkway;
- Demolition of vacant Class A3 former pizza restaurant adjacent to Plantasia,
- Alterations and refurbishment of building facades;
- Physical enhancements to the existing footbridge and associated ramp;
- Creation of 4 no. kiosks (Class A1/A3);
- Use of units 2A, 2B and 3 for Class A3 purposes;
- Erection of a standalone drive-thru restaurant unit (Class A3);
- Reconfiguration of car parking layout;
- Erection of 3m screen walling;
- Landscaping and public realm works and associated highways works.



The proposed scheme seeks to demolish all of the covered/ enclosed walkway running across the retail frontage and running through the centre of the building up to the entrance to of the ten pinning bowling unit. As part of this demolition all of the existing piazza units would be demolished, including the physical link with Plantasia. Four new kiosks would be retained/created on the eastern elevation of the Odeon Cinema for flexible Class A1 and A3 purposes. It is also proposed to demolish Unit 9 adjacent to Plantasia and partially demolish existing unit 3 and create a new external north western elevation for this unit.

In the areas created by the demolition, proposals provide for new areas of public realm. Upgrade works to the existing bridge over The Strand are also proposed as part of the public realm improvement works.

Broadly, the building structure of the remaining units in the north and south retail terraces and the leisure units would be retained and refurbished. This comprises recladding of key elevations including Quay Parade and the retail frontages; and repainting of secondary elevations such as the service yard areas.

A new 186 sqm standalone drive-thru restaurant (Class A3) unit is proposed within the existing car park towards the north east corner of the park.

With reference to the above plan, proposed uses are broken down as follows:

- Units 1, 5A, 5B, 6A, 6B, 6C, and 6D – to continue Class A1 Use;
- Units 2A, 2B, 3, and 8 (drive-thru pod) are proposed as Class A3 Use;
- Unit 4 (cinema) and 7 (bowling) to continue as Class D2 Uses;

- Kiosks 1, 2, 3 and 4 are proposed as Class A1/A3 Use.

#### *Site Description*

Known as Parc Tawe Phase 1, the application site comprises an area of 7 hectares located within the north eastern area of Swansea City Centre. The eastern boundary of the site comprises an established landscape bund fronting onto Quay Parade whilst the link road separates the application site from Parc Tawe Phase 2 to the north. Part of the western boundary fronts onto The Strand and backs onto the BT Tower site.

The park contains a mix of retail and leisure uses, including Plantasia, Odeon Cinema, Ten Pin Bowling, Toys R Us and Mothercare.

The retail and leisure offer are located within one building which is split into a number of separate units, occupying the western part of the site. The individual units are accessed via an internal walkway which runs along the eastern front edge of the building. The covered walkway also connects through the centre of the building to The Strand at ground floor level and the pedestrian footbridge over The Strand to the City Centre at first floor level. The retail and leisure units are serviced at the rear (west) from The Strand via two shared service yards. Plantasia is located adjacent to internal walkway kiosks and cinema in the centre of the site. The buildings front onto a large area of surface car park which is accessed from the northern perimeter of the site. A further small area of car parking is located in the north west corner of the site which is accessed from The Strand. A total of 830 car parking spaces are provided within the park. The service yard is located to the rear of the retail units, along the western edge of the site; it has two access points, both from the Strand.

The general environment of the park appears poor and run down.

#### *Material Planning Considerations*

The main material planning considerations in the determination of this planning application are set out as follows:

- Principle of development - compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Townscape and Visual Impact and Impact on Cultural Heritage
- Impact on residential amenity;
- Highways, traffic, car parking, access and pedestrian movements;
- Flood risk;
- Site drainage;
- Pollution Prevention and Ground Contamination;
- Impact on ecology.

Issues arising from the representations received are addressed throughout the report.

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

#### *Principle of development*

Planning permission was granted for Parc Tawe Retail Park in June 1987 under permission 2/1/87/0656/03 for a leisure and retail development including a multiplex cinema, ten pin bowling, A1 retail units, public toilets and fast food units.

In physical terms, the existing Park is now tired and suffers from a poor environment and building quality.

It is, in functional and locational terms, an edge of centre retail park. For the purposes of the City & County of Swansea Unitary Development Plan (UDP), however, the Park sits within the City Centre Action Area but outside of the defined retail core.

Within the City Centre, UDP Policy CC1 supports retailing and associated uses (Classes A1, A2, A3), offices (Class B1), housing (Class C3) and community and leisure uses (Classes D1, D2 and A3).

UDP Policy CC4 specifically relates to Parc Tawe and states that retailing (Classes A1, A3), leisure uses (Class D2), hotel (Class C1), residential (Class C3), education (Class D1), office uses (Classes A2, B1), and car parking will be appropriate in Parc Tawe Phase 1 (the application site). The amount of floorspace occupied by retailing and leisure uses is however restricted to not exceed 19,000 sq. m combined (gross internal). The policy also states that development on the frontage to The Strand/Quay Parade that provides increased activity at street level will be supported and opportunities to improve the quality of the area and its wider integration with the City Centre will be sought.

The amplification to the Policy recognises that the site is prominently located at a very important gateway to the City Centre where the area is expected to be redeveloped as a mixed use scheme, which could include some or all of the uses listed in Policy CC4. Accordingly it is explained that improvement and redevelopment initiatives will be pursued as opportunities arise. It is explained that redevelopment should firmly establish the gateway function of the site through appropriate architectural treatment, improved elevations and frontages, landmark buildings and a quality public realm.

Development and physical improvements are specifically sought on the Strand/Quay Parade frontages whilst respecting the regeneration initiatives arising from the rest of the City Centre. It is anticipated that this will help generate the activity and viability between Parc Tawe (Phase 1) and the rest of the City Centre.

Policy CC2 states that new retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged. The Policy places the highest priority on enhancing shopping facilities by means of the refurbishment and redevelopment of the City Centre retail core.

The policy is explicit in that retail development proposals that would be detrimental to objectives for the enhancement of the retail core will not be permitted. The amplification to the policy defines the St David's/Quadrant area as the highest priority for retail led redevelopment in the City Centre to achieve the necessary revitalisation of the retail core. It again is explicit in stating that the potential for bringing forward such a scheme must not be compromised.

Accordingly Policy CC3 specifically defines the St David's/Quadrant area as the area of highest priority for redevelopment in the City Centre and states that a comprehensive retail led mixed use regeneration scheme should be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination. It is stated that any other retail based development, either within or outside the City Centre, will be evaluated against this aim. Again, it is further highlighted that development proposals that would put at risk the comprehensive retail led regeneration of St David's/Quadrant area, or

would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the retail core, will not be supported.

The amplification to the policy explains that the St David's/Quadrant area has been identified as the key development opportunity to deliver the proposed refurbishment and enhancement of the retail core as a regional shopping destination. The regeneration of the St David's/Quadrant area is seen as crucial to reinforce the prime retail floorspace area within the City Centre and generate the critical mass necessary to achieve the aim of retail led regeneration at this location.

It is again highlighted as vital that proposals for this location are not compromised by other development schemes, either within the City Centre or elsewhere within the County. Development proposals at other sites that are considered likely to threaten the redevelopment and enhancement of the St David's/Quadrant area will be resisted, in the interests of maintaining the viability of the scheme and to secure the necessary revitalisation of the City Centre retail core.

This position is augmented further in the Swansea City Centre Strategic Framework (SCCSF), which was adopted as Supplementary Planning Guidance (SPG) in 2009. The SPG emphasises the importance of resisting developments that would prejudice redevelopment proposals being delivered at the priority St David's/Quadrant site within the defined city centre retail core, and identifies Parc Tawe as a 'complementary area' to the core area. The SPG makes it clear that retailing at Parc Tawe Phase 1 should be restricted to bulky goods provision that does not compete with the city centre core, and that unit sizes at the site should be maintained accordingly.

The position is also backed up by the technical evidence in the Strategic Insight Consultancy report entitled 'Review of Retail Capacity, Investment Potential and Strategy for the City & County of Swansea' (2013). The report findings highlight the need to direct significant new retail and leisure investment to the city centre core area and resist proposals that would undermine this key aim in the interests of securing the necessary revitalisation of the city centre at the heart of the City Region.

The Strategic Insight study concludes that Swansea city centre is currently failing in its retail and leisure offer with poorly configured retail space, a lack of complementary leisure opportunities, a dated environment and a relatively weak tenant profile. The Study identifies retail parks such as Park Tawe as a threat to this aspiration.

Counsel advice is that the Strategic Insight Study is a material consideration in the consideration of this application and, as an up to date assessment of the retail position in Swansea, it is something to which the Council is entitled to have regard. In this respect, it provides up to date and relevant information in the context of the protective aspirations of Policy CC2 and Policy CC3 and therefore regard can properly be had to its contents and conclusions.

It is clearly established therefore that a key objective of the UDP and adopted SPG is to reinforce and improve the city centre as a vibrant regional focus for business and administration, shopping, culture and leisure. The adopted policy framework sets out clearly defined planning objectives and aspirations for new retail and leisure development, focussed on protecting and enhancing the established core area of the centre. At the heart of this approach is the delivery of a comprehensive retail and leisure led, mixed use regeneration scheme within the city's retail core incorporating the St David's/Quadrant site.

Clearly therefore the support afforded for retail and leisure uses to remain at Parc Tawe, as described in Policies CC1 and CC4 does not override the protective policies set out in Policy CC2 and Policy CC3.

Policy EC4 of the UDP is also relevant to this application and states that the acceptability of all retail development proposals will be assessed against the need for the development, where this is relevant to determination. New retail development will also only be permitted where:

- I. The proposed site is the most sequentially preferable option,
- II. There would be no material adverse impact upon the attractiveness, vitality and viability of the City Centre and other established shopping centres,
- III. The proposal is compatible with the function, scale and character of the centre within or adjacent to which the site is located,
- IV. The site is accessible by foot, bicycle, public transport and car, and
- V. The scheme satisfactorily addresses design, environmental and highway considerations.

On the basis that the proposals would not give rise to any increase in the quantum of retail floorspace, there is no requirement to assess the retail 'need' of the scheme. Given that the proposals amount to a refurbishment of the existing buildings, as opposed to a comprehensive redevelopment of the site, that would not give rise to an overall increase in floorspace for retailing (Classes A1 and A3) and leisure uses (Class D2), the technical matter of the 19,000 sqm threshold being breached would not warrant refusal of the application.

Crucially however UDP policy does require that the applicant addresses the fundamental issues of impact upon the City Centre and the relationship of Parc Tawe with the most sequentially preferable/highest priority site within Swansea City Centre, which is located at St David's/Quadrant. These are not only tests of UDP Policies EC4 and CC3 but are also stipulated in Planning Policy Wales (Edition 6, 2014, para 10.3.1) as key considerations for all major retail proposals, whether a site is located within a defined centre or not.

Within this context, it is considered that the application seeks permission for such substantial improvements to be made to the retail park, as compared to that of the existing position, that there is potential for its nature and appeal to fundamentally change. In addition to providing space, convenience and flexibility, the appearance, building quality and public realm will change considerably. Therefore, it is not the proposed quantum of floorspace that is of most significance in considering the impact of the scheme, rather, it is the nature of the improvements being sought, which the evidence suggests could increase the attractiveness of the Park to existing and potential operators that may otherwise invest in the city centre core, drawing shoppers and trade away from the core area. It is of particular concern that occupiers of traditional city centre units (including high street fashion and footwear retailers and retailers of books, cosmetics and toiletries) will be attracted to the park, resulting in a shift of emphasis from the core retail area, trade leakage and the cannibalisation of future spend in the city centre core. The retention of such businesses within the city centre core, as well as the acquisition of new high street operators to this area not currently represented within the city, is critical to delivering the long awaited transformation of Swansea City Centre and securing its future as the commercial driver for the City Region.

Whilst assurances have been received from the applicant that the vision for the retail park is not that of a fashion park and that it is not the intention to target operators that would compete with the city centre core, it is important to note that a grant of planning permission will run with the land and the site could of course be sold to an investor with a very different investment strategy.

Therefore, on the basis of the above, legal advice received by the Council is clear in confirming that the Planning Authority is justified in treating the application as more than simply a minor cosmetic update to the park. The advice confirms that the Authority is entitled to look afresh at the planning constraints that ought reasonably and properly be imposed on the proposed development in order to mitigate future risk of Parc Tawe becoming a rival destination to accommodate occupiers that are more appropriately located within the city centre core.

In this respect, the 1987 permission is subject to conditions which prevent the sale of food and DIY products and which limit the quantum of retail and leisure uses to 19,000 sq metres gross internal area. Otherwise, it has few material trading restrictions and constitutes a relatively "open A1" consent.

It is however, open to the Council to impose conditions on any planning permission granted and on this issue Circular 35/95 (The Use of Conditions in Planning Permissions) states that, in considering whether a planning condition is necessary, the Council should ask itself whether planning permission would have to be refused if that condition were not imposed. In this respect, as detailed above, the significant qualitative improvement of the Park has the potential to draw occupiers and trade away from the city centre core, reducing footfall and spend and compromising the Council's priority regeneration proposals. The UDP is clear in Policies EC4, CC1 and, in particular, the protective policies of CC2 and CC3, that proposals which would put at risk the retail core and/or its future redevelopment, will not be supported, whether they are located in the city centre or not. This position is not overridden by the support for retail uses at the Park set out in Policy CC4.

It is considered therefore that the use of restrictive conditions is necessary in this instance as the aforementioned consequences of an unrestricted Class A1 and A3 planning permission would lead to unacceptable impacts on the city centre retail core, contrary to UDP Policies EC4, CC1, CC2 and CC3. Such harm to the city centre core indeed outweighs the endorsement of retail redevelopment set out in Policy CC4.

Conditions relating to the restriction of use are therefore considered necessary and justifiable in policy terms and are recommended to provide a robust protection of the city centre core. The restrictive conditions relate to:

- A maximum threshold for Class A1 floorspace;
- Restriction of Class A1 use to specified units;
- Preclusion of the sale of food, drink, clothing or footwear (excluding sportswear and children's clothing and footwear), fashion accessories (including jewellery), toiletries, cosmetics, pharmaceuticals, music or visual entertainment (including CDs and DVDs) from the specified Class A1 units.
- A maximum threshold for Class A3 floorspace;
- Restriction of Class A3 use to specified units;
- Restriction of permitted development rights for the change of use of specified units from Class A3 to A1;

- Restriction on the sub-division and amalgamation of units to prevent the creation of units which are attractive to traditional city centre retailers.

In considering the acceptability of the imposition of such conditions, regard has been had to the existing lawful fallback use of the retail park, which has a relatively open Class A1 planning permission. However, in this case the fallback position is a poor quality retail park that is considered unlikely to pose a substantial risk of trade draw from the city centre core.

For commercial reasons the applicant has stated that these conditions are unacceptable and in response has submitted the following additional information:

- Retail Impact Assessment;
- A report prepared by CBRE which considers the commercial aspects of the proposed development (as part of the Retail Impact Assessment); and
- A letter of legal advice covering the restrictive sale of goods condition and suitable mechanisms for achieving this purpose.

Having reviewed the supplementary material, there are a number of key themes which are considered to actually support the Councils' approach to date relating to the significant concern on the potential impact on the city centre core.

In relation to the future strategy/commercial positioning of Parc Tawe, the CBRE Report confirms a strategy of targeting large footprint retail users, competing with other retail parks that have open A1 consent outside the city centre. This clearly is of concern, as Morfa, Fforestfach and Trostre have all had a damaging impact on the city centre, and remain serious threats to it. The Councils' strategy has been to try and ensure Parc Tawe's proposals are complimentary with those for the core city centre.

In relation to the likely tenant interest for the average proposed unit size in the proposals, the CBRE Report confirms that high street type retailers such as Next, New Look, H&M, Zara, and River Island could be interested in the floorspace. Linked to the above, this reinforces the Councils' concerns on the proposals, and the justification for the approach it is seeking to adopt in restricting clothing and footwear operators.

Whilst CBRE caveat the commentary by stating they don't consider these retailers have a current requirement for more space in Swansea, and that these retailers aren't being targeted by the applicant (Hammerson), however, for the reasons set out above, this isn't the point. The Council needs to cater for the scenario where an alternative party could target such retailers, and/or that Hammerson or another site owner could revise their strategy/approach to Parc Tawe. The statement that these retailers have no requirements for Swansea is not accepted as it is known that a number of such retailers have a current in principle interest in significantly upsizing their space in Swansea.

Much is made in the report of the fact that the units being created have a larger floorspace format, not smaller like the existing city centre provision. This reaffirms the Councils concerns previously raised that it is this exact size of floorspace that is likely to be attractive to key fashion based multiple retailers, and which St David's is specifically seeking to accommodate.

No commentary is provided within the additional submission about the increased importance of leisure uses to fashion based shopping parks. In this respect, the proposed four Class A3 restaurants adjacent to an improved cinema and ten pin bowling centre will



directly assist in rendering the units attractive to high street retailers, and also therefore place additional pressure on undermining efforts to revitalise the core city centre.

Agreement to the 4 Class A3 restaurants would therefore demonstrate a significant concession/compromise on the part of this Authority.

The GL Hearn Report highlights the perceived lack of progress at St David's. Notwithstanding that this ignores Hammerson's key role in this project until it withdrew last Autumn, it is considered that St David's has made strong progress recently, under direct Council/Welsh Government Leadership.

In response to the critique offered of the FSP report, this piece of evidence is considered by the Council to be a sound piece of work examining the potential for development of the city centre retail offer and the threat that could be posed by certain proposals. FSP have accurately and robustly defined the catchment for Swansea City Centre. This catchment has a clear but limited potential from which retailers can derive additional sales. Whilst it could be argued that the Parc Tawe catchment may not coincide identically with the Swansea City Centre catchment, there is considered to be an undeniable overlap in catchments. Any increase in the strength of offer and therefore sales at Parc Tawe therefore has the impact of reducing the available spend for the St David's scheme to capitalise upon. Additionally, the availability of refurbished retail space provides an alternative for target retailers for the St David's scheme. Given the relatively limited list retailers that could combine to form as an anchor for the St David's scheme, there is potential for development at Parc Tawe to further impact on the viability of the St David's scheme.

On the basis of the foregoing, it is considered that the additional information submitted in support of the application reinforces the significant concerns regarding the adverse impacts of the proposal on the City Centre Core and in particular the redevelopment of St David's. Accordingly, it is considered that the planning controls outlined above remain necessary to make the development acceptable in planning terms.

As an alternative, the applicant's legal advisors has proposed mechanisms for ensuring that the proposed works at Parc Tawe would not impact upon the city centre or any future development proposals at St David's / Quadrant, without the use of restrictive planning conditions. This would be through naming retailers prohibited from occupying Parc Tawe either through a S106 Agreement or through a headlease, with the applicant's preference being through the headlease. It is proposed that such a list of retailers would be agreed between the applicant and the Council.

On this issue, the Council's own legal advice is clear in that placing a restriction on the range of goods to be sold at Parc Tawe by way of a condition (as set above) is considered in legal terms the most appropriate and effective means of protecting the city centre retail core, whilst at the same time allowing the redevelopment of the Retail Park. This approach is accepted practice and accords with national planning policy.

The advice states that it is open to the Planning Authority to exercise control through a section 106 agreement as an alternative to such a condition, however it highlights that this approach is inherently more uncertain as the retail market is increasingly in flux; an operator can change its name, the nature of the activities and strategies pursued by operators can change from time to time and new operators can enter the market.

The legal position is clear therefore that expressing controls on occupation by reference to a defined range of goods is a more robust and appropriate approach than relying on an exhaustive list of operators which is fixed in time.

In any case, the Council is further advised not to use a variation of the head lease for Parc Tawe to exercise these controls, for the following reasons set out below (unless this is done together with the section 106 agreement as a complementary mechanism):

- (i) This approach does not acknowledge the distinction between the Council in its role as landlord and the Council in its role as planning authority. It is important that those two roles are kept separate.
- (ii) This approach would set a precedent which could impact on other retail planning applications being pursued within the Council's area.
- (iii) The Council could decide (for overall real estate reasons) subsequently to dispose of its reversion to the lease, leaving it with no control over the operators who are trading at the Park.
- (iv) It may subsequently suit the Council from a property investment point of view to agree to a variation of the lease provisions, which would leave the Council exposed in its role as planning authority.
- (v) There would be significant procedural steps involved in securing a forfeiture of the lease if the lease restrictions are breached, whereas the process for enforcing a planning breach is quicker.

Notwithstanding the above, in an attempt to find a pragmatic solution that allows Parc Tawe to be upgraded, whilst critically safeguarding the revitalisation of the city centre core area, a compromise has been offered to the applicant with a list, as requested, of defined operators to be prohibited from occupying the retail park for a specified period of time. This list has been prepared in consultation with the Council's commercial advisors and all are considered potential targets for the city centre core scheme and therefore appropriate to feature in a section 106 agreement that would prohibit their trading at the Park.

In line with the legal advice received, the applicant has been advised that Council proposes that the list of operators that would be subject to restriction would feature on an amended lease for the Park, as well as the proposed section 106 agreement.

The Section 106 Obligation would then be used instead of the previously recommended condition that sought to restrict the sale of a defined range of goods.

In terms of the time restriction for the exclusion of operators, the Council has taken on board Hammerson's concerns that an in-perpetuity restriction would be unworkable, and that the time period should be based on a commercial appraisal of what is reasonable and justifiable in development terms. Further advice from our commercial advisors has therefore been sought to arrive at a reasoned position in this regard. This advice has confirmed that applying the exclusion for a period of less than 5 years from the date of the planning permission (as proposed by the applicant) is not sufficient to prevent Parc Tawe from competing with the city centre. A period of 12 years is considered a more relevant time period as this is akin to that of a typical retail lease and would protect the city centre in the short to medium term by preventing existing retailers leaving the retail core and/or new retailers to Swansea locating in Parc Tawe rather than the city centre. This is also

considered a reasonable time period to allow for the implementation of the proposed city centre retail core scheme, particularly by means of redevelopment of the St David's/Quadrant site, and the subsequent strengthening of the city's retail offer to take effect.

At the time of writing this report, no response has been received from the applicant to the above compromise. Therefore, in the absence of such agreement and on the basis that it is considered that the acceptability of the development in planning policy terms relies on the imposition of either the aforementioned conditions or Section 106 Obligation, the recommendation is presented to Members with the restrictive conditions.

### *Townscape and Visual Impact and Impact on Cultural Heritage*

In assessing townscape and visual impact and the impact on cultural heritage, specific regard must be had to Policies EV1, EV2, EV4, EV5, EV6, EV9 and CC5 of the Council's adopted UDP.

Policy EV1 UDP sets out the council's commitment to achieving high standards of design and layout in all new developments including the desirability of preserving the setting of any listed building.

Policy EV2 addresses the siting and location of new development and gives preference to the use of previously developed land over greenfield sites, having regard to the physical character and topography of the site and its surroundings.

UDP Policy EV4 states that where development and ancillary features impact on the public realm, designs should ensure that schemes integrate with areas to produce spaces and sequences that result in quality townscape and building frontages that actively engage with the public, are of human scale and provide effective surveillance resulting in spaces that are "people friendly" in terms of perceived and actual safety levels, and provide attractive detail through the use of high-quality, durable materials.

Policy EV5 states that the provision of public works of art, craft or decorative features to enhance the identity and interest of major new developments or refurbishment schemes will be supported.

UDP Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings, and also unscheduled archaeological sites and monuments.

Policy EV9 states that development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting.

As detailed above, Policy CC4 specifically relates to Parc Tawe Phase 1 and aside from the land use issues states that development on the frontage to The Strand/Quay Parade that provides increased activity at street level will be supported and that opportunities to improve the quality of the area and its wider integration with the City Centre will be sought. The amplification to the policy highlights its prominent and important City Centre gateway location. The expectation is that the site would be redeveloped as a mixed use scheme and that improvement and redevelopment initiatives will be pursued as opportunities arise. It is explained that redevelopment should firmly establish the gateway function of the site through appropriate architectural treatment, improved elevations and frontages, landmark buildings and a quality public realm. It is further clarified that development and physical

improvements will specifically be sought on the Strand/Quay Parade frontages whilst respecting the regeneration initiatives arising from the rest of the City Centre. It is envisaged that this will help generate the activity and viability between Parc Tawe (Phase 1) and the rest of the City Centre. The amplification further explains that the Council would welcome a comprehensive redevelopment scheme at the earliest opportunity, particularly in view of the existing poor environment and building quality at Parc Tawe that currently presents a poor gateway to Swansea and contrasts badly with the adjacent urban form of the City Centre.

Policy CC5 states that the design of all new development schemes will be required to make a positive contribution to enhancing the City Centre's environment.

Furthermore, the Swansea City Centre Strategic Framework adopted Supplementary Planning Guidance (SPG) sets out a strategic vision for the Parc Tawe area to create a more urban place with a mix of uses as an extension to the city centre. Within this context, however the application is to retain the existing large format retail warehouse units and to re-clad/re-paint these, along with various works discussed below.

Significant improvements have been sought to the scheme both at pre-application stage and through determination of the application and the current is now described by the applicant as its 'best offer' in terms of what can be delivered commercially. The LPA therefore must decide whether the proposals have achieved enough in respect of the wider enhancements having regard to the stipulations of policy balanced against the commercial imperatives that the applicant has stated is limiting the scope of investment.

Whilst therefore, in overall terms the proposed re-cladding and alterations fall significantly short of the aspirations as outlined in the Swansea City Centre Strategic Framework, this is not to an extent whereby a reason for refusal could be justified having regard to the existing poor appearance of the park.

In this respect, Parc Tawe is a dated retail park environment, with covered external walkways, dated cladding and functional public realm. It is typical of an out of town format but is located directly alongside the city centre core and occupies a highly prominent gateway site.

Parc Tawe also interfaces with the city core on the Strand and this area also includes a number of heritage assets including Swansea Castle (grade I listed building and Scheduled Ancient Monument (SAM)), the site of the old castle (SAM), Castle Cinema (grade II listed) and the Wind Street Conservation Area.

The proposal is to upgrade the existing buildings via two means; re-cladding of key elevations including Quay Parade and the retail frontages; and repainting of secondary elevations such as the service yard areas.

The re-cladding to the retail unit frontages would predominantly comprise anthracite panels with contrasting grey panels to frame the unit entrances, with double height areas of glazing to the sides of the entrances. This is considered acceptable and typical of contemporary retail park vernacular. Along with the removal of the existing walkways, the proposal would result in improved legibility to the retail units.

The signage is proposed to be accommodated in a large scale grey frame that rises above the doors and projecting entrance canopy to break the parapet level. Whilst these signs are large scale, they are considered appropriate to the retail park environment and the

height breaks up the horizontal form of the building. The grey frames will provide a controlling framework for the signage and will ensure continuity between different occupiers. (Precise signage details will require separate advertisement consent.)

Overall, it is considered that the design rationalisation and use of materials to the retail frontages would amount to a significant improvement to the existing position; although it should be noted that the significant uplift would largely arise due to the very poor starting position.

The proposal is to re-clad the elevation facing Quay Parade with a series of staggered 'saw tooth' copper coloured panels split by vertical lighting areas. Whilst this is not an 'active frontage' treatment and no new windows are proposed, it will however go some way to break up and enliven this prominent key elevation which forms part of the arrival gateway into Swansea and which presently presents a blank unattractive façade.

In elevation terms, The Strand element of Parc Tawe essentially comprises a blank elevation to the ten pin bowling use, a ground floor entrance and a bridged first floor entrance to a bricked turret style structure. For this elevation it is proposed to introduce a band of lower level cladding to approximately three quarters of the width of the building with the remainder of the cladding repaired and repainted. Glazed infill panels are proposed to the existing colonnade incorporating new entrance doors. Other works include new signage and landscaping, including climbing plants.

Whilst the improved street level entrance to The Strand that glazes the existing colonnades and the low level re-cladding is welcomed to improve the appearance and legibility, the proposal to paint the existing high level cladding is not considered sufficient given the prominence of this key elevation in relation to the city core and the relationship to heritage assets. Therefore it is considered that the enhancement of the Strand elevation fails to meet the requirements of aforementioned Parc Tawe Policy CC4. The upper area of cladding which is proposed to be painted is especially visible given the elevated nature of the pedestrian bridge as it crosses The Strand. Therefore it is considered that this area should be treated with a similar quality of re-cladding and architectural enhancement as per the Quay Parade. It is recommended therefore that this area should be excluded from any detailed approval and a condition imposed requiring details of the enhancement to the Strand elevation to be agreed.

The Class A3 restaurant frontage elements of the proposal are differentiated through horizontal cladding 'planks' above the glazing area with canopies to create a higher level of visual interest, shelter and human scale to these more active areas.

The Odeon cinema layout internally remains as existing with the entrance facing south onto the linkage to the Strand. This elevation would be opened up by the demolition of the existing covered walkway/courtyard area and it is proposed to utilise a combination of both the cladding proposed for the retail units and the restaurant uses. It is also proposed to introduce a green wall for part of the otherwise blank elevation. The newly exposed blank east elevation of the cinema facing Plantasia is proposed to be broken up and enlivened by four proposed kiosk units opening onto the public realm. This approach is visually considered acceptable.

The proposal to repaint the secondary elevations onto the service areas is also considered acceptable.

The plans propose 5m high green growing walls in a number this area and this could make a contribution to the concept of greening the city. The details of this treatment can be conditioned and will need to include requirement for the green growing wall to be maintained in perpetuity.

Within the site, the initial proposal is to retain Plantasia and demolish the former adjoining restaurant to the north (Unit 9). This would create a new area of public realm and the solid masonry gable to Plantasia that would be exposed is proposed to be re-clad in a combination of anthracite and multi-coloured rainscreen panels with ground level living green wall. This new area of public realm would however be shaded by the Plantasia structure and will not be well used, plus the height of the gable make it very dominant in this space. It is also considered that more could be done to enhance the exposed gable and break down the perceived scale. It is recommended therefore that the final details of this elevation be controlled by way of condition.

As part of this proposal to remove the roof over the covered courtyard, a stand alone entrance kiosk to Plantasia would be created which is welcomed to improve the entrance legibility especially when approaching from the link to the city core. This would be re-clad in a similar manner to the proposed restaurant/café units and would benefit from glazed canopies that could shelter spill out from the existing café.

Within the main car park area a single storey drive through restaurant pod is proposed close to Parc Tawe link road. The design is contemporary with a curving roof, exposed structural timbers and large areas of glazing. It is considered appropriate design within the car park area and will create a minor point of interest along Parc Tawe Link Road. It is considered that the proposal will have no effect on the gateway nature of the Quay Parade frontage to the site.

A significant change proposed within the site, is the opening up of the public walkways which are currently enclosed and covered and present a dated and poor quality environment. It is considered that their removal will improve the public realm and will make the retail warehouse entrances more legible.

It also means that the area between the Odeon and Plantasia will become external, creating a more welcoming and pleasant space that will open up some visual connectivity to the city centre. However the enclosure to the ground floor link and ramp and steps up to the first floor pedestrian bridge will remain, so this route will not become completely external.

Much of this east west pedestrian link abuts the service yard vehicle access with the BT tower car park beyond, so it is considered important that the southern boundary is high quality and robust. This is primarily proposed to be achieved with a green screen wall. Whilst this is considered acceptable in principle, a condition will be necessary to ensure retention/management in perpetuity and to ensure that there is a suitable backing to stop unwanted views through to the service areas beyond.

As part of the upgrade, it is proposed to upgrade the existing functional public realm. Whilst the details can be conditioned, the general strategy is to use good quality concrete products and resin bonded gravel. A public art element is also proposed in the form of a 'floor map' which highlights the fact that the Parc Tawe site lies over the original course of the River Tawe and a major part of the docks.

The drawings indicate that the bund alongside Quay Parade is to be retained. This is welcomed to ensure that the parked cars continue to be screened and it is accepted that the planting to the bund will be refreshed as part of the application. This will need to include trees and low level planting that compliment the Boulevard project that is currently on site along Quay Parade and this can be controlled by condition.

The proposal is to enhance the existing pedestrian bridge over the Strand. This is a key pedestrian connection between the site and the city core and the quality of the current link is poor. The proposal is to remove the roof covering to make the bridge open air and to simplify the structure. It would then be repainted and enhanced by a lattice of tension wire balustrading and a lighting scheme. These cosmetic enhancements are considered by be acceptable.

With regard to the designated heritage assets in the area, as the proposal is for enhancement of the existing buildings, the impact on Swansea Castle, Castle Cinema and The Wind Street Conservation area is considered to be neutral. The existing building forms will remain and the new materials/ colours are appropriate in the heritage context. It is considered that the stripping back of the pedestrian bridge will improve the views to Swansea Castle and the Castle Cinema.

Whilst in overall terms the proposed re-cladding and alterations fall significantly short of the aspirations for Parc Tawe as set out in UDP Policy CC4 and the Swansea City Centre Strategic Framework, this is not to an extent whereby a reason for refusal could be justified having regard to the existing poor appearance of the park. Within this context it is considered that the proposals will significantly enhance the appearance of the retail park buildings and public realm and as such comply with the provisions of UDP Policies EV1, EV2, EV4, EV5, EV9 and CC5 of the Council's adopted UDP.

In terms of archaeology, Glamorgan Gwent Archaeological Trust has advised that the area is close to the centre of the early settlement area of Swansea, near to the castles and the river, which would have been the centre of the sea trade.

The archaeological work undertaken in support of this application shows that three trenches were opened in the area of the proposed new building (Unit 8). All of these showed a depth of concrete and tarmac that overlay a depth of rubble comprising stone and brick and other materials. It is likely that this layer represents the re-deposition of rubble from the bombing of Swansea during World War 2, when buildings were demolished and the remains spread over many areas of the city, and archaeological work has encountered this in different areas. The masonry wall remains encountered in Trench 3 is likely to be the edge of the Albion Dock; it is on the correct alignment and of a substantial and mortared nature unrelated to the looser rubble which forms the matrix around it. The depth of this beneath the current ground level is likely to ensure its preservation in-situ, as it is approximately 3m below ground level. Taking these results into account, it is unlikely that any archaeological remains encountered would be of sufficient importance to warrant further evaluation; the results also provide sufficient information to recommend the attachment of a condition for the development, which can be mitigated by ensuring the ground disturbing work is done under archaeological supervision.

Glamorgan Gwent Archaeological Trust concluded therefore that mitigation can be achieved by undertaking the groundworks under archaeological supervision, and with suitable contingencies in place to ensure that sufficient time and resources for fuller archaeological investigation to be undertaken is allowed. A condition is therefore

recommended requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation.

Subject to the imposition of such a condition, it is considered that the proposal would be in accordance with UDP Policy EV6, which seeks to preserve the archaeological resource.

#### *Impact on residential amenity*

As stated above, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design. Criteria (iii) is that the development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements.

Whilst new residential development has been introduced to the context of the site since its approval in the late 1980's at Castle Buildings and the Urban Village, it is not considered that the proposals will materially change the impacts on residential amenity other than in the potential to increase traffic movements to a more attractive retail park. This, however, would not be to an extent whereby unacceptable conflict with UDP Policy EV1 would arise. Furthermore, the Council's Pollution Control & Public Health Division has requested conditions relating to any new plant and fume extraction to protect existing and future residents as well as the amenity value of users of neighbouring commercial premises.

#### *Highways, traffic, car parking, access and pedestrian movements;*

UDP Policy AS1 requires new development associated with housing, employment, shopping, leisure and service provision to be located in areas that are currently highly accessible by a range of transport modes whilst Policy AS2 states that new developments should be designed to:

- I. Promote the use of public transport and facilitate sustainable travel choices,
- II. Provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport,
- III. Allow for the safe, efficient and non intrusive movement of vehicles, and
- IV. Comply with the principles of accessibility for all.

Policy AS4 seeks to encourage the creation or improvement of public access routes whilst Policy AS5 states that development proposals will be required to consider the access requirements for pedestrians and cyclists and, where necessary, provide appropriate facilities and/or infrastructure to encourage their use. Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking, including motorcycles and cycles.

Similarly, UDP Policy EV3 requires new development and alterations to existing buildings to provide access and facilities for all, provide satisfactory car parking, contribute to high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and to be accessible to pedestrians, cyclists and users of public transport.

Eleven existing pedestrian access points are provided from Quay Parade, Parc Tawe Link Road and The Strand. The supporting Design and Access Statement states that pedestrian access to and through the site would be improved by:

- Refurbishing the high level bridge over The Strand;



- Providing a safe road crossing point to the Strand;
- Improving directional signage;
- Improving external lighting;
- Opening up views through the building;
- Improving footways;
- Opening up building frontages; and
- Providing clearly defined pedestrian routes through the site.

It is considered therefore that existing pedestrian linkages into and through the Parc Tawe will be improved and so to will the legibility of the such linkages and that of the commercial units.

The site is located within the City Centre Action Area and as such is close to good public transport links and is also in close proximity to the National Cycle Network route which runs along side the River Tawe.

The main access junction for customer vehicular traffic is off Parc Tawe Link Road via a signal controlled junction. No changes are proposed to this access junction, which will continue to operate as existing.

Servicing access is currently provided from two separate priority junctions off The Strand and these are also being retained.

A transport statement has been submitted in support of the application to consider the impact of the proposal on parking and traffic.

At present, the main customer car park to the east of the buildings has 776 spaces, whilst the customer car park accessed from The Strand has a further 54 spaces. Parc Tawe therefore currently has a total of 830 customer parking spaces and 44 of these are suitable for disabled users. The car parks operate a 3 hour maximum stay and whilst there are signs indicating car parking management and charging, this is presently not in operation. There are also 81 existing staff spaces.

In overall terms, the proposed development would result in an overall loss of car parking of 24 spaces customer spaces to 806 and 27 staff spaces to 54. Disabled parking (39 spaces) is shown at 6% of the total car parking numbers and motor cycle parking (21 spaces) is also included at 3% of the total car parking numbers. There is also a proposal to upgrade the existing cycle parking facilities to provide 75 cycle parking stands located in a number of areas along the retail frontage.

A dedicated coach parking facility is proposed outside Plantasia to accommodate school/day trips. As such a facility does not presently exist, this would be beneficial in terms of health and safety for visiting parties.

It is also proposed to introduce measures to better manage car parking and ensure that capacity is available in the future. Measures proposed include better enforcement of existing parking restrictions including using ANPR technology to reduce down the number of vehicles exceeding the three hour time limit.

On the basis of the sustainable location, improved cycle parking provision and the requirement to agree precise details of a car parking management plan by way of condition to ensure that the parking provision is being properly managed and contained within the site, it is considered that the loss of existing car parking provision is acceptable.

Moreover, the transport statement concludes that there will not be a material traffic impact on the surrounding road network. The Head of Highways and Transportation therefore raises no highways objection to the proposal subject to the conditions relating to cycle/motorcycle and disabled parking being provided prior to beneficial use, precise details of the refurbishment of the footbridge, improvements to the existing pedestrian crossing between the site and Parc Tawe Link Road, the installation of a new at grade pelican crossing on the Strand and the provision of a car parking management plan and travel plan to be implemented prior to beneficial occupation of any of the units.

Subject to the imposition of the aforementioned conditions, it is considered that the proposal would be in accordance with UDP accessibility Policies AS1 (new development proposals), AS2 (design and layout), AS4 (public access routes), AS5 (walking and cycling), AS6 (parking) and EV3 (accessibility).

### *Flood risk*

UDP Policy EV36 states that new development within flood risk areas will only be permitted where it can be demonstrated that its location is justified and that the consequences associated with flooding are acceptable.

The application site lies within zone C1 as defined by the development advice map referred to under TAN15: Development and Flood Risk (areas of the floodplain which are developed and served by significant infrastructure, including flood defences). NRW Flood Map information also confirms the site to lie within the 1 in 1000 year probability flood outline.

Natural Resources Wales recognise however that the application is in the most part for the alteration and refurbishment of an existing building which houses mixed A1/A3 use and is therefore considered to be low vulnerability under TAN15. Natural Resources Wales is satisfied that a flood consequences assessment is not required in this instance, however it is advised that the developer should be made aware of the potential flood risk to the site. Natural Resources Wales also recommend that appropriate signage should be erected within the building and car parking area to make users aware of the risk of flooding and the actions and/or evacuation procedures to be followed during an extreme event.

In addition, NRW recommend that the developer incorporate flood resilience measures as part of the refurbishment works.

Subject therefore to the imposition of informatives to the above effect, it is not considered that the proposal would conflict with the provisions of UDP Policy and EV36.

### *Site drainage*

In terms of drainage, whilst Natural Resources Wales acknowledge that the existing system will be used, it is recommended that if there are any opportunities to install some sustainable drainage techniques (SUDS) to manage surface water then this should be taken.

No objection has been received from Welsh Water subject to conditions relating to surface and foul water drainage. Subject therefore to such conditions, it is considered that the proposal would accord with UDP Policies EV33, and EV35, which relate to sewage disposal and surface water run-off respectively.

### *Contaminated land and pollution prevention*

This site is considered brownfield land and it is possible that past uses have led to contamination. However, given the nature of the proposal Natural Resources Wales is satisfied that a full site investigation is not needed in this instance. However as a minimum, to ensure there is no risk of pollution to controlled waters from any contamination that may be present, Natural Resources Wales request that a condition to deal with any unforeseen contamination be included on any permission granted.

The same condition is requested by the Council's Pollution Control Division along with a condition relating to new or replacement ventilation/fume extraction systems, new or replacement external plant/machinery and the provision of a Demolition/Construction Site Management Plan. Informatives are also requested in respect of construction noise, smoke/burning of materials, dust control and lighting.

Similarly, Natural Resources Wales has highlighted concerns that construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are made for dealing with dust pollutions, surface water management and waste storage during the demolition and external alteration/construction works.

Natural Resources Wales advise that it is therefore important that appropriate pollution prevention measures are in place during the length of the project and on this basis it is recommended that a condition be imposed to any planning permission granted to require the developer to produce a detailed construction management plan (CMP), which provides full details of the measures in place to reduce the risk of contaminated surface run-off from entering and pollution controlled waters.

Furthermore, as demolition works are included as part of this proposal, Natural Resources Wales recommend that a site waste management plan is also required by way of condition.

Subject therefore to the imposition of conditions and informatives as set out above, it is considered that the proposal would be in accordance with UDP Policies EV34 (protection of controlled waters), EV38 (contaminated land) and EV40 (air, noise and light pollution).

### *Ecology*

The application is supported by an Ecological Building Inspections report that concludes that the retail units are considered to be of negligible value to roosting bats and therefore the refurbishment works are unlikely to have any adverse impacts.

No evidence of active nesting birds was recorded at the retail units during the inspection. However, given the signs of bird usage at the site, within the two delivery bays, it is recognised as possible that birds present within the local vicinity of the site may begin to nest during the breeding bird season. Therefore any works undertaken during this time could impact upon nesting birds which have arrived at the retail units subsequent to the undertaking of this assessment. Therefore if the proposed works commence between March to August, the report recommends that an ecologist undertakes an inspection for nesting birds immediately prior to the works commencing.

In response, Natural Resources Wales is generally supportive of the conclusions and recommendations made within Ecological Building Inspections report but advise that

although the retail units are considered to be of negligible value for roosting bats, the applicants should be reminded that if any bats are encountered during works, the development must stop immediately and NRW contacted for further advice.

A condition and informative relating to bats and birds are therefore recommended as a suitable response to this application and to the Authority's duties under the Natural Environment and Rural Communities (NERC) Act 2006.

### *Conclusions*

This report examines in detail the relevant planning policy issues that go to the heart of this planning application and it is clearly established that a key objective of the UDP and adopted SPG is to reinforce and improve the city centre as a vibrant regional focus for business and administration, shopping, culture and leisure. The adopted policy framework sets out clearly defined planning objectives and aspirations for new retail and leisure development, focussed on protecting and enhancing the established core area of the centre. At the heart of this approach is the delivery of a comprehensive retail and leisure led, mixed use regeneration scheme within the city's retail core incorporating the St David's/Quadrant site.

Within this context, it is considered that the application seeks permission for such substantial improvements to be made to the retail park, as compared to that of the existing position, that there is potential for its nature and appeal to fundamentally change. In addition to providing space, convenience and flexibility, the appearance, building quality and public realm will change considerably. ,

Up to date evidence provides a clear steer that the nature of the improvements being sought could increase the attractiveness of the Park to existing and potential operators that may otherwise invest in the city centre core, drawing shoppers and trade away from the core area. It is of particular concern that occupiers of traditional city centre units (including high street fashion and footwear retailers and retailers of books, cosmetics and toiletries) will be attracted to the park, resulting in a shift of emphasis from the core retail area, trade leakage and the cannibalisation of future spend in the city centre core. The retention of such businesses within the city centre core, as well as the acquisition of new high street operators to this area not currently represented within the city, is critical to delivering the long awaited transformation of Swansea City Centre and securing its future as the commercial driver for the City Region.

Within this context, legal advice received by the Council is clear in confirming that the Planning Authority is justified in treating this application as more than simply a minor cosmetic update to the park. The advice confirms that the Authority is entitled to look afresh at the planning constraints that ought reasonably and properly be imposed on the proposed development in order to mitigate future risk of Parc Tawe becoming a rival destination to accommodate occupiers that are more appropriately located within the city centre core.

It is considered therefore that the use of restrictive conditions is necessary in this instance as the aforementioned consequences of an unrestricted Class A1 and A3 planning permission would lead to unacceptable impacts on the city centre retail core, contrary to UDP Policies EC4, CC1, CC2 and CC3. Such harm to the city centre core outweighs the endorsement of retail redevelopment set out in Policy CC4.

In considering the acceptability of the imposition of such conditions, regard has been had to the existing lawful fallback use of the retail park, which has a relatively open Class A1 planning permission. However, in this case the fallback position is a poor quality retail park that is considered unlikely to pose a substantial risk of trade draw from the city centre core.

For commercial reasons the applicant has stated that these conditions are unacceptable and as an alternative, the applicant's legal advisors has proposed mechanisms for ensuring that the proposed works at Parc Tawe would not impact upon the city centre or any future development proposals at St David's / Quadrant, without the use of restrictive planning conditions. This would be through naming retailers prohibited from occupying Parc Tawe either through a S106 Agreement or through a headlease, with the applicant's preference being through the headlease. It is proposed that such a list of retailers would be agreed between the applicant and the Council.

On this issue, the Council's own legal advice is clear in that placing a restriction on the range of goods to be sold at Parc Tawe by way of a condition is considered in legal terms the most appropriate and effective means of protecting the city centre retail core, whilst at the same time allowing the redevelopment of the Retail Park.

Legal advice though is that it is open to the Planning Authority to exercise control through a section 106 agreement as an alternative to such a condition, however it is highlighted that this approach is inherently more uncertain as the retail market is increasingly in flux.

In an attempt therefore to find a pragmatic solution that allows Parc Tawe to be upgraded, whilst critically safeguarding the revitalisation of the city centre core area, a compromise has been offered to the applicant with a list, as requested, of defined operators to be prohibited from occupying the retail park for a specified period of time. The Section 106 Obligation would then be used instead of the previously recommended condition that sought to restrict the sale of a defined range of goods.

At the time of writing this report, no response has been received from the applicant to the above compromise. Therefore, in the absence of such agreement and on the basis that it is considered that the acceptability of the development in planning policy terms relies on the imposition of either the aforementioned conditions or Section 106 Obligation, the recommendation is presented to Members with the restrictive conditions.

In consideration of design issues in isolation, in overall terms the proposed re-cladding and alterations fall significantly short of the aspirations for Parc Tawe as set out in UDP Policy CC4 and the Swansea City Centre Strategic Framework. However, this is not to an extent whereby a reason for refusal could be justified having regard to the existing poor appearance of the park. Within this context it is considered that the proposals will significantly enhance the appearance of the retail park buildings and public realm and as such comply with the provisions of UDP Policies EV1, EV2, EV4, EV5, EV9 and CC5 of the Council's adopted UDP.

With regard to the designated heritage assets in the area, as the proposal is for enhancement of the existing buildings, the impact on Swansea Castle, Castle Cinema and The Wind Street Conservation area is considered to be neutral. The existing building forms will remain and the new materials/ colours are appropriate in the heritage context. It is considered that the stripping back of the pedestrian bridge will improve the views to Swansea Castle and the Castle Cinema.

Whilst new residential development has been introduced to the context of the site since its approval in the late 1980's, at Castle Buildings and the Urban Village, it is not considered that the proposals will materially change the impacts on residential amenity.

No objection has been received from the Head of Highways and Transportation and subject to the imposition of the aforementioned conditions, it is considered that the proposal would be in accordance with UDP accessibility Policies AS1, AS2, AS4, AS5, AS6 and EV3.

Subject to the imposition of conditions no objections have been received from the Council's Pollution Control & Public Health Division, Glamorgan Gwent Archaeological Trust, Natural Resources Wales or Welsh Water. Subject therefore to the imposition of those conditions, it is considered that the proposal would be in accordance with UDP Policies EV33 (sewage disposal), EV34 (protection of controlled waters), EV35 (surface water run-off), EV36 (flood risk), EV38 (contaminated land) and EV40 (air, noise and light pollution).

Approval is therefore recommended.

## **RECOMMENDATION**

### **APPROVE, subject to the following conditions:**

- 1        The development shall be commenced not later than the expiration of 5 years from the date of this planning permission and shall be completed in accordance with the said application plans and conditions (unless otherwise agreed in writing by the Local Planning Authority) prior to any part thereof being brought into beneficial use.  
  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990 and to ensure that the development is completed in accordance with the plans approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 2        Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A1 at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024) shall not exceed 12,000 sq metres (gross internal area).  
  
Reason: In accordance with UDP Policy CC4, to protect the vitality and viability of the city centre retail core and to ensure that the scale of development does not undermine the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 3        Use Class A1 at Parc Tawe Phase 1 shall be accommodated solely within Units 1, 5A, 5B, 6A, 6B, 6C, 6D, K1, K2 and K3 hereby permitted (as defined on submitted Site Plan 9485 P-024 D) and within no other unit at the site.  
  
Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 4        Notwithstanding Condition 2, Units 1, 5A, 5B, 6A, 6B, 6C, 6D hereby permitted at

Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 D) must not be used for the sale of food, drink, clothing or footwear (excluding sportswear and children's clothing and footwear), fashion accessories (including jewellery), toiletries, cosmetics, pharmaceuticals, music or visual entertainment (including CDs and DVDs).

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A3 at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024) shall not exceed 1,300 sq metres (gross internal area).

Reason: In accordance with UDP Policy CC4, to protect the vitality and viability of the city centre retail core and to ensure that the scale of development does not undermine the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 6 Use Class A3 at Parc Tawe Phase 1 shall be accommodated solely within Units 2A, 2B, 3, 8, K1, K2 and K3 hereby permitted (as defined on submitted Site Plan 9485 P-024 D) and within no other unit at the site.

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 7 Units 2A, 2B, 3 and 8 hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 D) shall be used exclusively for uses in Class A3 and for no other purpose (including any other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In accordance with UDP Policies CC2 and CC3, to ensure an appropriate mix of food and non-food units at the development and to ensure that the scale of development does not undermine the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 8 The units hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024) must not be sub-divided or further amalgamated without the prior approval of the Local Planning Authority.

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 9 Unless otherwise agreed in writing, no development shall take place to Unit 8 until

the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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.

- 10 Unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the details shown on any approved plan, samples of all external finishes, (including new shop fronts, doors and external security measures) and repainting of existing cladding and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of development.

Reason: In the interests of visual amenity.

- 11 Notwithstanding the details shown on any approved plan, unless otherwise agreed in writing by the Local Planning Authority, the final design and treatment of the western elevation of Unit 7 (ten pin bowling alley) and Parc Tawe entrance from The Strand elevation shall be improved to include cladding to the areas currently proposed to be repaired and repainted) in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: In the interests of visual amenity.

- 12 Notwithstanding the details shown on any approved plan, unless otherwise agreed in writing by the Local Planning Authority, the final design and treatment of the newly exposed western and north western elevations to Plantasia shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: In the interests of visual amenity.

- 13 Unless otherwise agreed in writing by the Local Planning Authority, the living green walls to the southern elevation of Unit 4, the north western elevation of Plantasia and to the northern edge of the service access road, shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted scheme shall address matters of maintenance and future redress to any failing elements as well as backing details to the freestanding wall to ensure no views through to the service yard.

Reason: In the interests of visual amenity.

- 14 Unless otherwise agreed in writing by the Local Planning Authority, following practical completion of Unit 8, beneficial occupation shall not commence until a 'Post Construction Stage' assessment has been carried out in relation to it, a Final Certificate has been issued for it certifying that Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' and 6 Credits under Ene1 has been achieved.

Reason: To mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with the design, construction and use of the



development.

- 15 Notwithstanding the details shown on any approved plan, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall include details of the public art features and new and improved areas of public realm along with timescales for implementation. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990 and to accord with the City and County Council's policy of encouraging the provision of public art features on appropriate sites.
- 16 Notwithstanding the details shown on any approved plan, unless otherwise agreed in writing by the Local Planning Authority, the landscaping bund to Quay Parade shall be retained at its current height. The existing trees and vegetation and any new planting within the bund shall be retained in perpetuity (except where expressly authorised by the landscaping scheme).  
Reason: To ensure that the site is satisfactorily landscaped and to provide screening to the surface car park from this highly prominent and important gateway location.
- 17 No trees, shrubs or vegetation within the application site shall be removed, felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority. Any trees, shrubs or vegetation removed without such authorisation, or dying, or being seriously damaged or diseased during the implementation of the development shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.  
Reason: In the interests of visual amenity.
- 18 Unless otherwise agreed in writing by the Local Planning Authority, 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.
- 19 The development shall be implemented in accordance with the recommendations of Waterman Parc Tawe, Swansea - Ecological Building Inspections Report (EED13992-100\_R\_1\_1\_2\_LM).  
Reason: In the interests of ecology.
- 20 Unless otherwise agreed in writing by the Local Planning Authority, the cycle, motor cycle and disabled parking shall be laid out in accordance with the approved plans prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of highway safety.

- 21 Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of refurbishment works to the existing footbridge linking the site to Worcester Place, a scheme for the containment of any debris to ensure that the Strand is properly protected, shall be submitted and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety.
- 22 The existing at grade pedestrian linkages between the site and Quay Parade shall be widened in accordance with details to be submitted to and approved in writing by the Local Planning prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: To improve pedestrian and cyclist permeability.
- 23 Unless otherwise agreed in writing by the Local Planning Authority, the new at grade pelican crossing on the Strand (as per Vectos drawing 131086/A/05) shall be completed under a section 278 Agreement with the Highway Authority prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of highway safety.
- 24 Unless otherwise agreed in writing by the Local Planning Authority, the development shall operate in accordance with a car parking management plan to be submitted to and agreed in writing prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of sustainability and to ensure that the parking provision is being properly managed and contained within the site.
- 25 Unless otherwise agreed in writing by the Local Planning Authority, the development shall operate in accordance with a Travel Plan to be submitted to and approved in writing prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 26 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of demolition or construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:
- a) Demolition/Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from

mud and silt;

- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

The development shall be implemented in accordance with the approved CPMP.

Reason: To ensure minimal nuisance impact on local residents/ businesses from construction activities.

- 27 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be implemented in accordance with a site waste management plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To assist the developer /contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

- 28 If, during the course of development, contamination not previously identified is found to be present at the site, no further development (unless agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

- 29 Any new or replacement ventilation/ fume extraction systems shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the associated premises are occupied, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of general amenity.

- 30 A scheme for protecting the any nearby retail/ domestic premises from noise generated by any new or replacement external plant/machinery shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the associated Unit(s). The scheme shall demonstrate that the combined noise levels from all such plant units measured as an LAeq (1hour) will meet Noise Rating NR50. The assessments will be made at 1 metre from the facade of the closest retail/ domestic premises. Such works that form part of the approved scheme shall be completed before the associated premises are occupied and thereafter properly maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing and future residents and other commercial

operators from noise disturbance from the plant servicing the proposed development.

- 31 Unless otherwise agreed in writing by the Local Planning Authority, no development approved by this permission shall be commenced until a detailed drainage scheme for the site showing how any new or updated foul water, surface water and land drainage will be dealt with has been submitted to and approved by the Local Planning Authority. The drainage scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To reduce the risk of pollution to controlled waters and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 32 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the public sewerage system.
- 33 No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 34 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 35 The development site is crossed by a 1650mm public combined sewer as marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Unless otherwise agreed in writing by the Local Planning Authority, no part of the building will be permitted within 8 metres either side of the centreline of the public sewer.  
Reason: To protect the integrity of the public sewer and avoid damage thereto.

## **INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: CC1, CC2, CC3, CC4, CC5 EC4, EV1, EV2, EV3, EV4, EV5, EV6, EV9, EV33, EV34, EV35, EV36, EV38, EV40, AS1, AS2, AS4, AS5 and AS6.
- 2 Items g - j inclusive of the Construction Pollution Management Plan (CPMP) condition need to take particular account of the potential for statutory nuisance arising from the site related activities set out below. If, during the writing of the CPMP, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600.

- 3 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.

The Local Authority has the power to impose the specified hours by service of an enforcement 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 No burning of any material 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.

- 5 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.

- 6 During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk) ] recommendations.

- 7 The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development), e-mails to : [jim.marshall@swansea.gov.uk](mailto:jim.marshall@swansea.gov.uk) or the Team Leader , e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091.

- 8 The application site lies within zone C1 as defined by the development advice map referred to under TAN15: Development and Flood Risk (July 2004). The NRW Flood Map information also confirms the site to lie within the 1 in 1000 year probability flood outline.

Natural Resources Wales recommend that appropriate signage should be erected within the building and car parking area to make users aware of the risk of flooding and the actions and/or evacuation procedures to be followed during an extreme event. The applicant/developer is referred to Appendix 6 of TAN 15 in this regard, which outlines relevant Health and Safety Act duties.

In addition, Natural Resources Wales recommends that the developer incorporate some flood resilience measures as part of the refurbishment works. This could include resilient walls, floors, doors, electric wiring etc. Further information on flood proofing can be found in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'. This may be viewed on the Planning Portal website: [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

- 9 Guidance for site waste management plan is available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)). Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with Natural Resources Wales. More information on relevant waste exemptions can be found on our website; [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

- 10 Birds may be present at this site. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.

- 11 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation (Natural Habitats & c.) Regulations 1994. 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 bats is encountered during site clearance, work should cease immediately and the advice of Natural Resources Wales sought before continuing with any work.

- 12 If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on DCWW 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 DCWW in dealing with the proposal the developer is requested to contact the Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage

system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

continued

Welsh Government. Further information on the Welsh Ministers Standards, which was introduced the Welsh Ministers Standards on the 1st October 2012 is available for viewing on the DCWW Developer Services Section of website - [www.dwrcymru.com](http://www.dwrcymru.com).

The proposed development is crossed by a trunk/distribution watermain. DCWW as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult DCWW before any development commences on site.

## **PLANS**

9485-D-001D, 9485-D-002, 9485-D-003D, 9485-D-013F, 9485-E-002G, 9485-E-003G, 9485-E-007E, 9485-E-011H, 9485-E-013C, 9485-E-014G, 9485-E-015B, 9485-E-019D, 9485-E-020A, 9485-E-022A, 9485-E-023A, 9485-E-025A, 9485-E-026, 9485-P-001C, 9485-P-002, 9485-P-017C, 9485-P-019, 9485-PH-001C, 9485-PH-002, 9485-PH-003, 9485-PH-006A, 9485-PH-007, 9485-PH-008, 9485-PH-009B, 9485-PH-0016B, 9485-PH-0019A, 9485-PH-020A received 29th January 2014, 9485-E-005B, 9485-E-006C, 9485-P-006H, 9485-P-018B received 28th May 2014, 9485-E-016D, 9485-E-017D, 9485-P-016F, 9485-P-024D received 24th June 2014