

CITY AND COUNTY OF SWANSEA

MINUTES OF THE DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE

HELD AT COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
THURSDAY, 14 AUGUST 2014 AT 5.00 PM

PRESENT: Councillor R Francis-Davies (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
J C Bayliss	T J Hennegan	B G Owen
P M Black	C A Holley	G Owens
A C S Colburn	B Hopkins	D Phillips
A M Cook	L James	C L Philpott
D W Cole	A J Jones	J A Raynor
S E Crouch	J W Jones	T H Rees
J P Curtice	M H Jones	R V Smith
AM Day	S M Jones	D G Sullivan
P Downing	E T Kirchner	G J Tanner
C R Doyle	D J Lewis	C M R W D Thomas
V A Evans	R D Lewis	L G Thomas
W Evans	C E Lloyd	L J Tyler – Lloyd
E W Fitzgerald	P Lloyd	G D Walker
F M Gordon	K E Marsh	L V Walton
J A Hale	P M Matthews	T M White
J E C Harris	H M Morris	

17 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from N S Bradley, J E Burtonshaw, R A Clay, U C Clay, A C S Colburn, W J F Davies, D H Hopkins, A S Lewis, P M Meara, J Newbury, I M Richard, C Richards, P B Smith, R J Stanton, R C Stewart, M Theaker, and L G Thomas.

18 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:-

Councillor D W Cole – Minute No 20 (Item 4 – Application No 2013/1011) – personal – acted as a conduit between applicant and officer and Minute No 21 (Item 5 – Application No 2014/0306) – personal – know the applicant.

Councillor C A Holley – Minute No 21 (Item 5 – Application No 2014/0306) - personal and prejudicial – I know the applicant and left prior to discussion thereof

and Minute No 24 ((Item 8 – Application No 2013/1815) –personal and prejudicial - had a meeting with developer and left prior to discussion thereof.

Councillor L James – Minute No 22 (Item 6 - Application No 2014/0417) - personal – member of Gower Society and son – in law works for Family Housing.

Councillor S M Jones – Minute No 21 (Item 5 – Application No 2014/0306) - personal – know the applicant.

Councillor M Thomas – Minute No 21 (Item 5 – Application No 2014/0306) – personal – know the applicant.

19 **MINUTES.**

RESOLVED that the minutes of the meeting of the Development Management & Control Committees held on 19 June 2014 and 3 July 2014 be agreed as correct records , subject to D S Lewis in the list of apologies for the meeting on 19 June 2014 being amended to D J Lewis.

20 **PLANNING APPLICATION NO.2013/1011 - SEION CHAPEL, PENTRE ROAD, GROVESEND, SWANSEA.**

The Head of Economic Regeneration & Planning submitted a report to determine the application for the change of use of chapel (Class D1) to residential dwelling (Class C3) with two storey side and two storey rear extensions at Seion Chapel, Pentre Road, Grovesend.

Mr Griffiths (agent) spoke in support of the application.

This application had been reported to the Area 2 Development Control Committee on 29 August 2014. The application was referred to the Development Management and Control Committee with a recommendation that the application be approved contrary to officers recommendation as it was considered that the conversion of the building would enhance the visual amenities of the area.

A plan showing the location site was attached as Appendix A , together with a copy of the report to the Area 2 Development Control Committee at Appendix B. If Members resolved to approve planning permission, contrary to officer's recommendation, conditions were detailed in Appendix C.

RESOLVED that the application **BE APPROVED** contrary to the officers recommendation, subject to the conditions set out in Appendix C on the grounds that the development would provide a reuse of an important local building and would enhance the visual amenities of the area.

21 **PLANNING APPLICATION NO.2014/0306 - LAND TO THE SOUTH OF FFORDD CAE DUKE, LOUGHOR, SWANSEA.**

The Head of Economic Regeneration and Planning submitted a report to determine the application for the construction of a single storey changing room building, one full

size rugby pitch, one training pitch, a 38 space car park and installation of 11 x 15m high floodlighting columns on land to the south of Ffordd Cae Duke, Loughor.

Mr Davies (objector) spoke against this proposal.

The application was reported to Area 2 Development Control Committee on 29 July 2014. The application was referred to the Development Management and Control Committee with a recommendation that planning permission be approved as an acceptable departure from the provisions of the Development Plan.

A plan showing the location of the application site was attached as Appendix A, together with the updated report at Appendix B.

Report updated as follows:-

Page 42 final paragraph "8.5m and 14m" should read "6.5m and 7m".

Letter from the applicants agent as follows:

"I understand that some concern was expressed by some Members ref the roof of the proposed changing rooms. The question as to finish was discussed.

This was a topic in our discussions with your colleague planners at our pre application meetings.

You will be aware that tile roofs require a minimum pitch and this is normally no less than 22 Degrees. If such a roof were required then the size and shape of supporting walls and structures would need to be changed to such an extent that the current application plans would not represent the final design.

In discussions with your colleagues it was felt appropriate to reduce the building impact as much as possible and a lower pitch was decided upon.

Once this decision is made the material to be used as roof cover becomes limited to sheet material. We can of course agree with you the most appropriate colour and style and would be happy to have this conditioned.

We would wish you to be aware that we and your officer did discuss this issue in depth."

Letter of objection from the owner of adjoining land raising concerns regarding the potential for nitrate or other pollutants to emiate from the sports field.

Letter of objection on behalf of Barratt Homes advising that they do not object to the principle of development but have concerns:

Land Ownership

Appropriate notice has not been served on all landowners.

Floodlights

The impact of the proposed floodlights upon the future occupiers of their housing development on adjacent land has not been fully taken into account given the information

submitted in support of the application.

Construction Impacts.

There is no assessment of the implications of the re-grading works on residential amenity

In addition they consider that the material consideration which justify a departure from the development plan have not been fully justified.

Comment: the applicant has advised that appropriate notice has been served and the submitted scheme has been assessed by the Authority's Pollution Control Division who have no objections subject to conditions to control the floodlighting and construction management. Should a statutory nuisance arise from the development the Council has powers to address the matter through Pollution Control legislation. No objections have been raised by NRW regarding pollution issues and Policy issues are addressed within the report.

RESOLVED that the application be approved as a departure from the provisions subject to the conditions detailed in the report to Area 2 Development Control Committee on 29 July 2014, attached as Appendix B of the report.

22 **PLANNING APPLICATION NO.2014/0417 - LAND OFF MONKSLAND ROAD, SCURLAGE, GOWER, SWANSEA.**

The Head of Economic Regeneration and Planning submitted a report to consider the planning application for the construction of 14 no. residential dwellings and associated works on land off Monksland Road, Scurlage.

Mr R Fisher (objector) spoke against the application.

This application was reported to Area 2 Development Control Committee on 29 July 2014. This application was referred to Development Management and Control Committee with a recommendation that planning permission be approved as an acceptable departure from the provisions of the Development Plan subject to conditions and to a S106 Obligation in respect of the provisions of 100% affordable housing which shall be DQR complaint.

A plan showing the location of the application site was attached as Appendix A, together with an updated report attached as Appendix B.

RESOLVED that the application **BE APPROVED** as a Departure from the provisions of the Development Plan subject to the developer entering into a Section 106 Obligation to provide 100% affordable housing units on the site, which shall be DQR compliant and subject to the updated conditions detailed in the report to the Area 2 Development Control Committee on the 29 July 2014 attached as Appendix B.

23 **PLANNING APPLICATION NO.2014/0765 - LAND AT HERON WAY, SWANSEA ENTERPRISE PARK, SWANSEA.**

The Head of Economic Regeneration and Planning submitted a report to consider the application for the construction of retail unit (Class A1) (amendment to planning

permission 2013/1616 granted for the construction of four retail units (Class A3) with associated works) on land at Heron Way, Swansea Enterprise Park, Swansea.

This application was reported to the Area 1 Development Control Committee held on 22 July 2014. This application was referred to the Development Management and Control Committee that the proposal was an acceptable departure from the provisions of the Development Plan and that planning permission should be granted subject to an additional condition requiring the development to be constructed in conjunction with the adjoining units(units 2 – 4) as shown on the application drawings.

A plan showing the location of the application was attached as Appendix A and a copy of the report submitted to Area 1 Development Control Committee was attached as Appendix B.

RESOLVED that the application **Be APPROVED** subject to the conditions detailed in the report to Area 1 Development Control Committee on 22 July 2014 attached as Appendix B together with an additional condition requiring the development to be constructed in conjunction with the adjoining units (units 2 – 4)and subject to the applicant entering into a S106 Planning Obligation to provide a contribution of £25,000 to fund regeneration initiatives within Morriston district centre.

24 **PLANNING APPLICATION 2013/1815 - PARC TAWE, SWANSEA.**

The Head of Economic Regeneration and Planning submitted a report for alterations to the existing retail park comprising demolition of vacant piazza units, kiosks and some retail floorspace (A1/A3 use), substantial demolition of the enclosed walkway, potential 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 highway works at Parc Tawe (Phase 1) .

Mr R Beresford (applicant) spoke in support of the application . Visuals of the site location were displayed.

This application was reported directly to Development Management and Control Committee because of its strategic significance in accordance with the Council Constitution.

A plan showing the location of the application site was attached as Appendix A the details of the application was attached as Appendix B.

Report updated as follows:-

Description of Development

There is a small discrepancy between the description of development between the covering report and the Appendix B report. For the avoidance of doubt the proposed

development is that set out in Appendix B, which includes the firm proposal to demolish the former pizza restaurant building adjacent to Parc Tawe.

Amendments to conditions

Condition 14₁ which relates to the achievement of Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' standard for the new Unit 8 is no longer necessary following Welsh Government's withdrawal of national planning policy requirement for sustainable building standards when the changes to Part L (relating to energy efficiency) of the Building Regulations came into force at the end of July.

Condition 22 should refer to the Parc Tawe Link Road rather than Quay Parade and should therefore read:

"The existing at grade pedestrian linkages between the site and the Parc Tawe Link Road 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."

An additional Highway's condition is recommended to increase disabled parking to 50 spaces, rather than 39, in accordance with adopted standards.

Additional Representation Received from the Applicant

Further representation has been received from the applicant in response to the publication of this agenda item. The letter submitted by the applicant is split into the following sections:

Retailers to be excluded from Parc Tawe

As set out in the report, the Authority has sent the applicant a list of operators to be named on a Section 106 Agreement to be excluded from Parc Tawe, as an alternative to proposed condition 4 restricting the range of goods. The letter from the applicant confirms agreement of the list other than for Argos, Boots, Lakeland, Gap Outlet/Gap Kids and TK Maxx as the applicant considers these operators could open more than one outlet or seek larger format retail park opportunities and would not be an anchor store for St David's.

In response, the loss of Argos and Boots from the City Centre in preference of a larger retail park opportunity at Parc Tawe is exactly what the controls recommended to Members are intended to avoid. Lakeland and TK Maxx should also be located within the City Centre, whether that is within a new St David's scheme or elsewhere within the core area. The Council's commercial advisors has advised that whilst Gap should be located in core area also, the Gap Outlet/Gap Kids store is a retail park style operation and could therefore be excluded from the list.

The exclusion list sent to the applicant also includes 34 food operators (Class A3). This is not agreed by the applicant on the basis that the proposals seek a limited increase to the A3 floorspace and include a drive thru Pod unit which by its nature could not be accommodated in the City Centre and is more appropriate for a retail park environment. It is the applicant's position that the inclusion of any such food operators within a refurbished Parc Tawe would not negatively impact a redevelopment scheme coming forward at St David's, nor would it negatively impact the retail core and is unnecessary and unjustified.

In response, the advice received from the Council's commercial advisors is that the operators contained within the list are either targets for a St David's scheme or are already located in the City Centre. It is advised that leisure could be an early first phase of St David's so it's important to continue to safeguard the scheme, but also to safeguard the existing leisure offer at Wind Street / Salubrious Place. It is however acknowledged that there isn't any other comparable condition recommended to Members that would restrict the type of Class A3 operator, as is the case with Class A1 retail, therefore a pragmatic approach to agreeing any final list would be reasonable. Officers would enter into such negotiations in good faith and would only seek to name operators that are confirmed targets for the St David's scheme, that are not typically located at retail park locations, and that are unlikely to operate more than one premises in Swansea.

Whilst in principle a compromise could be reached on list of operators a significant issue remains in the length of time the operator restriction should apply. The late letter received from the applicant proposes 5 years on the basis that this would give the St David's development ample opportunity to progress.

In response, the reason why a 12 year exclusion is being sought is based on advice received from the Council's commercial advisers to allow a redevelopment of St David's to come forward (which would need to factor in sufficient time for appropriate marketing, procurement and development agreements to take place as well as construction periods), and to give sufficient time for the scheme to 'bed in', attract a reasonable number of occupiers and thereby allow the city centre core to improve to the point where it can compete with the highly competitive out of town offers. A 5 year period is therefore too short.

The removal of proposed condition 4 would also lead to the loss of a control over food retailing at Parc Tawe, which is currently excluded by means of the extant planning permission for the site.

Therefore as the required alternative controls have not yet been agreed by all parties in respect of the details of a Section 106 Agreement, the recommendation remains as per the restrictive conditions set out in the recommendation to Members.

Amendments to Conditions

The applicant here has requested a number of amendments to the conditions set out in the report to Members.

For Condition 2 it is requested that the maximum Class A1 retail floorspace is increased to 14,000 sqm rather than 12,000 sqm on the basis that this reflects the floorspace on the submitted drawings.

In response, there are some discrepancies in the figures on the submitted plans. It should also be noted the condition refers to gross internal space as opposed to the gross external area figures provided. Furthermore, the applicant's figure includes doubling the size of the mezzanine in the Toys r Us unit which is not considered justified. It is recommended therefore that the maximum threshold figure be increased to 13,000 sqm and relate to gross external floorspace. It is also recommended that the kiosks be excluded, which are small scale (148 sqm in total) and are intended for flexible A1/A3 space.

For Condition 5 it is requested that the maximum Class A3 floorspace is increased to 1,400 sqm rather than 1,300 sqm on the basis that this reflects the floorspace on the submitted drawings.

In response, based on the figures provided the 1,300 sqm is sufficient to include all Class A3 space proposed, however it is recommended that as per Condition 2 above, the flexible use kiosks are removed from this restriction.

For Condition 8, it is the applicant's position that restricting amalgamation of units is unnecessary.

In response the, advice received from the Council's Commercial advisors is that Next, Topshop and New Look have recently agreed to take leases at new units at Friars Walk, Newport at a floorspace precisely akin to that which would be created by the amalgamation of units at Parc Tawe. As such this element of the condition is necessary to protect the retail core area.

Glamorgan Gwent Archaeological Trust has advised against the requested changes to Condition 11, which is drafted in accordance with WG guidelines.

It is requested to remove Conditions 11 and 12, which require enhancements to the Strand elevation and the newly exposed Plantasia elevations. For the reasons set out in the report before Members, these Conditions are considered necessary in the interests of visual amenity.

For Condition 15, the applicant has requested that the reference to public art be deleted on the basis that the proposals make significant improvements to the public realm and additional contributions are unjustified.

In this respect, the public art element of the condition relates to proposals negotiated to date to include a historical floor map within the public realm as the plans submitted are not sufficiently precise/clear. The condition does not seek to require any further public art beyond this element. It is recommended therefore that condition is amended to make this explicit.

The applicant seeks to remove Condition 17, however, given the prominence of the site at the gateway to the City Centre, it is considered necessary to ensure appropriate retention of the landscaping/screening.

Finally, the applicant asserts that the Council is seeking to impose a 'bulky goods' restriction at Parc Tawe and that the proposed condition to limit the range of goods to be sold from units would in effect make the Parc commercially unattractive. These points are not accepted. The proposed condition is not a bulky goods condition. Rather it seeks to restrict the sale of a precise range of goods (including adult fashion clothing and footwear) that are more akin to city centre core retailing, and leaves a wide range of goods that can be sold that do not come under the banner of bulky goods. The Council's commercial advisors have confirmed that retailers are perfectly used to investing in retail park locations that often have restrictive consents, and that the vast majority of Hammerson's target tenants listed in the applicant own retail report would still be achievable. It is considered highly unlikely that the proposed restriction would make the refurbishment unviable because it is not preventing Hammerson from delivering the leasing strategy they set out in their own report.

RESOLVED that the application **BE APPROVED** subject to the conditions set out in the report attached as Appendix B together with the amendments to the conditions (which are set out below) along with the additional conditions:-

- Condition 2 is to be amended as follows:

“Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A1 at Parc Tawe Phase 1, including mezzanines, shall not exceed 13,000 sq metres (gross external area), excluding kiosks 1-4, as defined on submitted Site Plan 9485 P-024.

Reason: In accordance with UDP Policies CC2, CC3 and 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.”

- Condition 5 is to be amended as follows:

“Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A3 at Parc Tawe Phase 1, including

mezzanines, shall not exceed 1,300 sq metres (gross external area), excluding kiosks 1 – 4, as defined on submitted Site Plan 9485 P-024.

Reason: In accordance with UDP Policies CC2, CC3 and 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."

- Condition 14 is to be deleted.
- Condition 15 is to be amended as follows:

"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 a management plan setting out timescales for implementation and details of maintenance and defect replacement.

Any trees or shrubs planted in accordance with this condition which are removed shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. Any trees or shrubs planted in accordance with this condition which die or 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."

- Condition 22 is to be amended as follows:

"The existing at grade pedestrian linkages between the site and the Parc Tawe Link Road 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."

- New conditions to be added:

"Notwithstanding the details shown on any approved plan, unless otherwise agreed in writing by the Local Planning Authority, disabled parking provision shall be increased to 50 spaces in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of accessibility."

"Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement development, details of a public art enhancement shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.

Reason: To accord with the City and County Council's policy of encouraging the provision of public art features on appropriate sites."

25 **REPORT ON PERFORMANCE.**

The Head of Economic Regeneration and Planning submitted a report regarding the performance of the Council's Planning Control Service against its set performance indicators.

The performance for 2011/12, 2012/13 and the targets for 2013/14 were set out in Appendix A. Comparative details for the Area Committees were set out in Appendix B, together with the Development Management Quarterly Survey – Decisions made contrary to officers recommendation was set out in Appendix C.

RESOLVED that this report be noted.

26 **MINUTES OF THE RIGHTS OF WAY SUB COMMITTEE. (FOR INFORMATION)**

RESOLVED that the Minutes of the Rights of Way Sub Committee held on 23 April 2014 and 18 June 2014 **BE NOTED.**

The meeting ended at 6.30p.m.

CHAIR