

Appendix D

Police representations



PC Jon Hancock
Police Licensing Officer
Swansea Central Police Station
Grove Place
Swansea
SA1 5EA

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Mrs Lynda Anthony
The Divisional Licensing Officer,
City and County of Swansea,
Civic Centre,
Swansea.

12th January 2019

Police Observations to an application for a premises licence
under the Licensing Act 2003.

I am in receipt of an application for a new premises licence relating to the below mentioned premises

Premises: Depot Swansea
Langdon Road
Port Tennant
Swansea
SA1 8FB

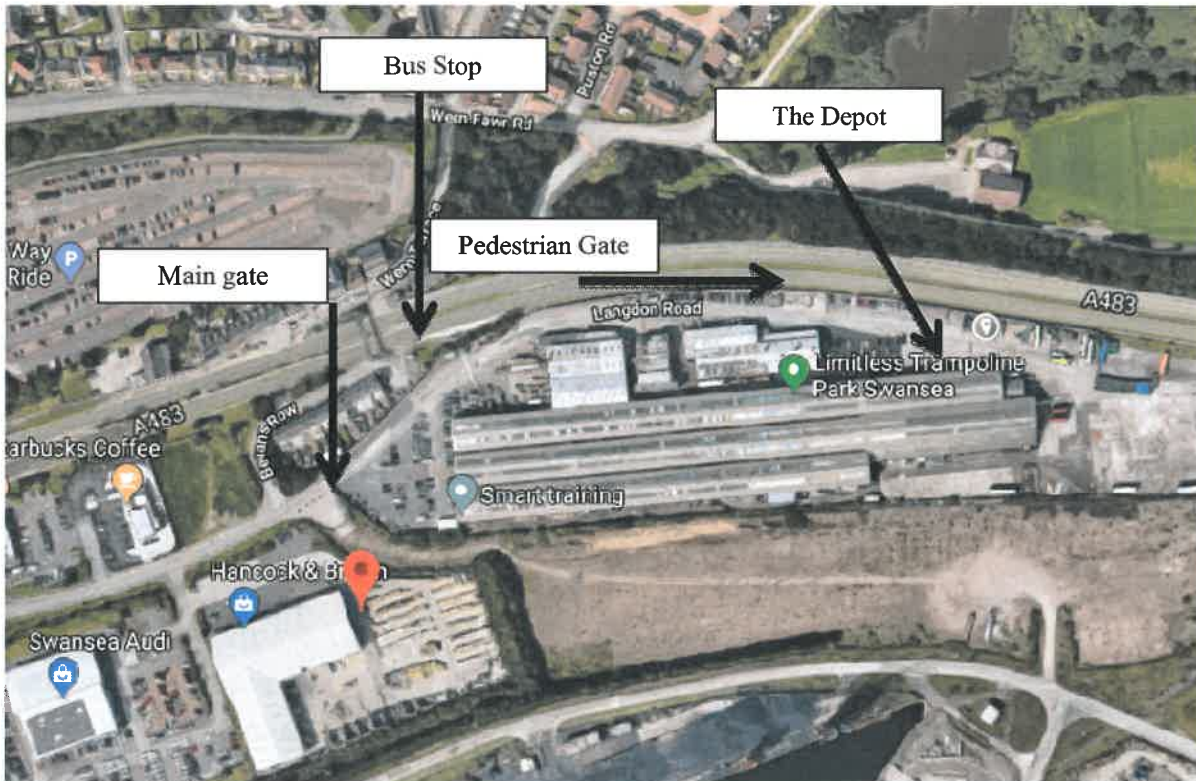
The application has been made by Eventile Limited, Construction House, Dumballs Road, Cardiff, CF10 5FE.

The Chief Constable having considered the application on behalf of South Wales Police, wishes to make significant representations as to why the application should not be granted in its proposed form. Detailed representations, supported by site evidence, and a statement from Swansea Operations Chief Inspector Brier are made on the grounds that the granting of the licence in its current form will undermine the promotion of the key licensing objectives namely Public Safety, and the Prevention of Public Nuisance.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg.
Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd
gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding
in Welsh will not lead to a delay in responding.

This property is situated within a commercial unit, contained within a busy operational commercial compound on Fabian Way, Swansea. It is anticipated that the existing building will be divided in 2/3 rooms providing different types of entertainment on a weekly basis ranging from street food to live music and weddings.. The premises can be accessed through a main gate on Langdon Road and via a pedestrian gate from Fabian Way. A layout of the site is illustrated below



The detail of the application is that the applicant wishes to change the use of the building from a commercial unit to an entertainment venue. The applicant describes the Depot as providing an unique entertainment and conference/events venue which markets itself as a destination venue providing food, entertainment and drinks. The applicant operates a similar venue in Cardiff which has been successfully operating for the past 4 years

The applicant has provided the following operating hours

	Late Night Refreshment	Live/Recorded Music & Dance/ Boxing/Wrestling/ Indoor sporting events	Supply of Alcohol	Opening Hours
Monday	2300-0030	1000-0000	1000-0000	1000-0030
Tuesday	2300-0030	1000-0000	1000-0000	1000-0030
Wednesday	2300-0030	1000-0000	1000-0000	1000-0030
Thursday	2300-0030	1000-0000	1000-0000	1000-0030
Friday	2300-0030	1000-0000	1000-0000	1000-0030
Saturday	2300-0030	1000-0000	1000-0000	1000-0030
Sunday	2300-0030	1000-0000	1000-0000	1000-0030

The applicant has provided an extensive operating schedule in order to meet the four licensing objectives. The operating schedule is detailed and if the venue were to operate under these conditions daily, then South Wales Police do not foresee any significant issues in terms of crime and disorder within the venue. The venue in Cardiff is operating successfully and they have had very few incidents over the past 4 years – violence x 5, theft x 6, burglary x 1, other crime/incidents x 2 . They did receive a formal warning from Cardiff licensing in 2016 for breaching a major event day glassware condition.

Whilst South Wales Police accept the application appears detailed and comprehensive, we have serious reservations and concerns in relation to the suitability of the proposed site for two reasons.

Firstly, the premises is located within a busy commercial compound next to Limitless Trampoline Park. The site contains the following commercial businesses,

- Ackland Motor Garage
- SA1 pallets
- Disused – poor state of repair
- Swansea Clutch Repair
- Limitless Trampoline Park
- Swansea Coach Works
- Storage Units
- SMART training

Due to the nature of these businesses, there are large amounts of machinery, vehicles, and debris/rubbish strewn throughout the site which the proposed premises cannot influence and has no control over. The units are in various states of disrepair, ranging from secure and in relatively good order, to derelict and potentially dangerous to passing members of the public. There are no pedestrian walkways, and the only access to the venue is gained via the main vehicular gate and then along the uneven roadway, or via a side pedestrian gate accessed from Fabian Way.

The ground within the site is uneven, and in a poor state of repair following the demolition of previous units. South Wales Police have serious concerns that the combination of intoxicated persons (capacity of 800) and commercial businesses and their vehicles, has the potential for serious injury and incidents, especially when large HGV training vehicles are constantly moving throughout the site, adjacent to the proposed venue.

The plan submitted with the application does not reflect the site as it currently stands, with the majority of the designated road layout and car parking spaces not existing, and despite this being raised on numerous occasions with the applicant in previous site meetings, no commitments have been made to alter and improve the site to the standard as laid out in the plans.

Numerous site visits have been carried out, Appendices A,B,C and D provide a visual overview and evidence of the site on the 10th and 12th December 2018 . These visits have confirmed that the above listed commercial businesses are fully operational at various times of the day and night, including weekends. During the site visits, vehicles that seem to be under repair have been observed to carry out

manouvreres and brake tests at speed, along with large training HGV's carrying out manauvres in the immediate vicinity of the proposed premises, and due to the nature of the businesses these drivers are inexperienced in managing such large vehicles.

There was clear evidence of fly tipping which has remained on the site for a considerable amount of time and despite a security guard living on site, there appears to be very little control of the site and no set timings to secure the site including the pedestrian and vehicular gates.

Secondly, South Wales Police have serious concerns due to the poor layout of the site, the only recognised pedestrian access is via the pedestrian gate from Fabian Way. Customers many of who may be intoxicated may leave through the pedestrian gate at night, in a poorly lit area, which leads directly on to a narrow pavement area (which is also used by cyclists as part of a cycle route), a small grass verge, and is only two metres away from the main arterial route of Fabian Way. In recent years, there have been a number of collisions between pedestrians and vehicles on Fabian Way, details below highlighting the danger of pedestrians negotiating a 40mph major arterial traffic route in to the City.

Niche Occurrence No: 1800343527

Reported time: 09/09/2018 00:22
Severity: Slight

C1 WAS WALKING ACROSS PEDESTRIAN CROSSING. D1 HAS APPLIED BRAKES BUT WAS UNABLE TO PREVENT A COLLISION OCCURRING.

Niche Occurrence No: 1800336798

Reported time: 04/09/2018 07:18
Severity: Serious

TRAFFIC LIGHTS AT CROSSING HAVE CHANGED WHILE PEDESTRIAN STILL ON CROSSING AND ENTERED LANE 3 AND BEEN STRUCK BY V1 CAUSING SERIOUS INJURY

Niche Occurrence No: 1800227752

Reported time: 22/06/2018 16:49
Severity: Slight

PEDESTRIAN HAS STEPPED INTO ROAD IN FRONT OF V1 WHILST TRYING TO CROSS THE ROAD AND HAS BEEN STRUCK BY V1 CAUSING INJURY.

Niche Occurrence No: 1800185589

Reported time: 24/05/2018 15:58
Severity: Slight

V1 PASSING UNDER FOOTBRIDGE WHEN A MALE PEDESTRIAN HAS
CROSSED ROAD FROM N/S AND HAS COLLIDED WITH FRONT OF V1 AND
HAS HIT WINDSCREEN AND GONE ONTO ROOF BEFORE COMING TO A
REST ON FLOOR.

Niche Occurrence No: 1700406623

Reported time: 19/10/2017 05:17
Severity: Serious

A483 - FABIAN WAY, SWANSEA (WESTBOUND - OPPOSITE IBIS HOTEL)
How Collision Occurred: V1 COLLIDED WITH PEDESTRIAN ON
CARRIAGEWAY

Niche Occurrence No: 1600430686

Reported time: 06/11/2016 18:18
Severity: Serious

V1 HAS FAILED TO OBSERVE RED LIGHT AT PEDESTRIAN CROSSING. C1
HAS QUICKLY BEGAN TO WALK ACROSS ROAD AT THE SAME TIME.

Niche Occurrence No: 62120379904

Reported time: 24/11/2012 10:56
Severity: Slight

V1 STOPPED FOR PEDESTRIAN TO CROSS, V2 PASSED THROUGH TRAFFIC
LIGHT AND V1 COLLIDED INTO THE NEARSIDE OF V2

Due to the lack of pedestrian pavements within the site, it is anticipated that the majority of customers leaving the venue will exit through the pedestrian gate on to Fabian Way in order to walk back to the nearby Swansea Bay University Campus or towards the City Centre. The nearest bus stops are located on Fabian Way, as indicated in the site layout previously, and is in close proximity to Bevans Row, a small residential street of 11 houses. South Wales Police believe that there will be an increase of incidents of anti social behaviour and noise nuisance as a direct result of customers of the Depot leaving the site either walking or to utilise the 24 hour public bus service. Whilst the applicant has submitted a dispersal policy attached to the application, the policy is not only weak and inadequate, but it does not form part of the application itself, and therefore would not be enforceable. The policy fails to clearly identify how staff/stewards are going to ensure the safe running of the premises whilst also being tasked to ensure the safe dispersal of its customers at various times that the premises is open and trading. The policy fails to address how it will ensure that all customers leave the site safely as required under Section 182 of the Licensing Act 2003, and do not get disorientated, lost and potentially locked within a dark complex commercial site with numerous health and safety hazards.

In order to put in place sufficient measures to minimise the risk to pedestrians (e.g the installation of barriers, improve street lighting etc) there would have to be significant investment by the applicant, the land owner, and other parties (e.g Swansea Council highways), all of which have not been identified or confirmed at this time.

It is accepted that the Cardiff premises despite its initial issues is well run, however its location is different to this proposed premises as it is not located within a busy hazardous commercial site next to a major arterial traffic route in to the City Centre. Whilst the venue may be seen to be an asset to Swansea, providing a diverse and new entertainment venue, the application in its current form due to the unsuitability of the location fails to adhere to the public safety and prevention of public nuisance licensing objectives. The application outlines the intention for the premises to potentially operate until midnight every night (1am on at least 24 days due to the bank holiday additional hours request) with up to 800 people leaving the venue at this time. Due to the reasons already outlined, South Wales Police submit that there is a significant risk to public safety and public nuisance.

South Wales Police, being a Responsible Authority, hereby submits representations that to grant this application would have a negative impact on public safety, and public nuisance in the area, and therefore urge the Licensing Committee to support South Wales Police in our representations and refuse the application.

This report is respectfully submitted for your information and consideration,

Yours sincerely,

Jon Hancock
Police Licensing Officer
(On behalf of the Chief Officer of Police)

Police Representations – The Depot, Swansea

Appendix A – site visit 10/12/18 1220hrs















Police Representations – The Depot, Swansea
Appendix B – site visit 12/12/18 2150hrs - inwards

















Police Representations – The Depot, Swansea

Appendix C – site visit 12/12/18 2155hrs - outwards











Police Representations – The Depot, Swansea
Appendix D – site visit 12/12/18 2145hrs – outside





Appendix D

Planning representations

Gabe, Charles

From: Pellemounter, Catherine <Catherine.Pellemounter@swansea.gov.uk>
Sent: 10 January 2019 15:21
To: Gabe, Charles
Subject: The Depot

Charles,

A new premises licence application has been made by:

Eventile Limited, The Depot, Dumballs Road, Cardiff, CF10 5FE

For the premises

Depot, Langdon Road, Port Tennant, Swansea, SA1 8PB

The licensable activities are

Plays Monday to Sunday 10:00 – 00:00hrs
Films Monday to Sunday 10:00 – 00:00hrs
Indoor Sporting Events Monday to Sunday 10:00 – 00:00hrs
Boxing, Wrestling Monday to Sunday 10:00 – 00:00hrs
Live Music Monday to Sunday 10:00 – 00:00hrs
Recorded Music Monday to Sunday 10:00 – 00:00hrs
Performance of Dance Monday to Sunday 10:00 – 00:00hrs
Anything similar to e, f or g above Monday to Sunday 10:00 – 00:00hrs
Late night refreshment Monday to Sunday 23:00 – 00:30hrs
Supply of Alcohol Monday to Sunday 10:00 – 00:00hrs

As a responsible authority I wish to make representations under The Licensing Act 2003 in relation to the issuing of this licence which I believe would undermine the following Licensing objectives namely Crime and Disorder, Public Nuisance and Public Safety. These representations are based upon the same concerns which led to the refusal of planning application 2018/2249/FUL for the change of use from storage and distribution (B8) to mixed use (Class A1, A3, B1 and D2) for the same venue.

The relevant reasons for refusal on the planning application and with regards to the licensing application are as follows:

The proposed change of use from B8 to a mixed use of A1, A3, B1 and D2 by virtue of the nature of the mix of uses at this location, the hours of operation including late night visitors to and from the premises will harm the amenities and well-being of neighbouring residential occupiers by virtue of late night noise and traffic disturbance. Accordingly the development is contrary to the requirements of policies EV1 (iii) and EV40 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and the Emerging Local Development Plan Policies PS 2 - Placemaking and RP 1 - Safeguarding Public Health and Natural Resources.

The proposed change of use from B8 to a mix of A1, A3, B1 and D2 would have the propensity to generate additional vehicular flows to and from the site and it has not been adequately established that the development can be accommodated within the existing infrastructure. The submitted Transport Assessment is considered to be flawed in its projections and reasoning in

view of the methodology for forecasting development impact, under representation of the events at capacity assessment, insufficient information on parking demands of other business uses in conjunction with the proposed uses and no mitigation proposed to limit the impacts of the development. Accordingly the development is contrary to the requirements of Policies EV3, EC4, HC18, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and policies T 1, T 2, T 5 and T 6 of the Emerging Local Development Plan.

The development includes proposals to hold events with up to 1,000 people in attendance and high numbers of pedestrians would therefore be within the business park which has no footways and is unlit and the wider area. The increase in vulnerable road users within the business park and along Fabian Way would present significant highway safety concerns which would not accord with the provisions of Policies EV3, EC4, HC18, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and policies T1, T2 and T5 of the Emerging Local Development Plan.

Kind regards,



Cyngor **Abertawe**
Swansea Council

Catherine Pelleymounter
Uwch Swyddog Cynllunio
Senior Planning Officer

☎ 01792 635721

✉ catherine.pelleymounter@swansea.gov.uk

Delegated Officer Panel Report

Application No:	2018/2249/FUL	Statutory Period Expires:	20.12.2018
Location:	The Depot (unit Between Limitless Trampoline Park And Swansea Coach Builders), Langdon Road, SA1 Business Park, Swansea, SA1 8DB		
Proposal:	Change of use from storage and distribution (B8) to mixed use (class A1, A3, B1 and D2)		
Status:	Pending Decision	Ward:	St. Thomas - Bay Area

Background Information

Policies

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV40 - Air, Noise and Light Pollution

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)

UDP - HC18 - Leisure Facilities and Areas

New leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC3 - Established Industrial and Commercial Areas

Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC9 - Out of Centre Retailing

Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

Constraints

Constraint Type	Constraint Name
Classified Roads	Description: A483
Ancient Monuments 2km buffer	Name: Earthwork on Kilvey Hill Authority: Swansea
Ancient Monuments 3km buffer	Name: Earthwork on Kilvey Hill Authority: Swansea
Ancient Monuments 3km buffer	Name: Morfa Bridge and Quays Authority: Swansea
Ancient Monuments 3km buffer	Name: Morfa Bridge and Quays Authority: Swansea
Ancient Monuments 3km buffer	Name: Bon y Maen Standing Stone Authority: Swansea
Ancient Monuments 3km buffer	Name: Swansea Castle Authority: Swansea
Ancient Monuments	Name: Original Swansea Castle Authority: Swansea

3km buffer	
Ancient Monuments 3km buffer	Name: Hafod Copper Works Musgrave Engine and Rolls Authority: Swansea
Ancient Monuments 3km buffer	Name: St Margaret's Chapel Authority: Neath Port Talbot
Ancient Monuments 3km buffer	Name: Foxhole River Staithes Authority: Swansea
Ancient Monuments 3km buffer	Name: White Rock Copper Works Authority: Swansea
Ancient Monuments 3km buffer	Name: White Rock Copper Works Authority: Swansea
Swansea Airport	Desc: Bird attractive dev.13 KM / Windturbine dev. 30 KM- Ref: AIR:LINE- location: Swansea Airport, Fairwood Common, Swansea.
Coal Resource Areas Surface	Name: BGS_COAL_RESOURCES
DC Spatial History	Ref Number: 2012/0689 DC Application Type: FULL
DC Spatial History	Ref Number: 2018/1078/FUL DC Application Type: FULL
DC Spatial History	Ref Number: 2018/2249/FUL DC Application Type:
DC Spatial History	Ref Number: 2016/0246 DC Application Type: FULL
DC Spatial History	Ref Number: 2018/0552/FUL DC Application Type: FULL
DC Spatial History	Ref Number: 2017/0801/DCO DC Application Type: DCOR
DC Spatial History	Ref Number: 2017/0802/DCO DC Application Type: DCOR

DC Spatial History	Ref Number: 2017/0803/DCO DC Application Type: DCOR
DC Spatial History	Ref Number: 2013/1017 DC Application Type: HIST
DC Spatial History	Ref Number: 2008/2375 DC Application Type: S73
DC Spatial History	Ref Number: ENQ2010/0707 DC Application Type: ENQ
DC Spatial History	Ref Number: ENQ2014/0966 DC Application Type: ENQ
DC Spatial History	Ref Number: 2012/0705 DC Application Type: ADV
DC Spatial History	Ref Number: 2013/0003 DC Application Type: ADV
DC Spatial History	Ref Number: 2005/1384 DC Application Type: FULL
DC Spatial History	Ref Number: 2002/1629 DC Application Type: FULL
DC Spatial History	Ref Number: 2003/2194 DC Application Type: FULL
DC Spatial History	Ref Number: 2001/1735 DC Application Type: ELDC
Coal Authority Development Low Risk	Name: DEVELOPMENT_LOW_RISK_AREA
Notified Hazards Buffer	Ref: NHB:001(INNER) - Name: B. P. Queens Dock Swansea
Historic Contaminated Land	Name: ENGLISH CROWN SPELTE- Field: FORMER NON FERROUS M
Mining Area	location: MINEAREA- Description: MINING AREA- Type: Mining Area

Site of Scientific Interest	Name: EARLSWOOD ROAD CUTTING AND FERRYBOAT INN QUARRIES- Code: 33WXN
Site of Scientific Interest	Name: SIX PIT, SWANSEA VALE AND WHITE ROCK- Code: 32WY5
Site of Scientific Interest	Name: SIX PIT, SWANSEA VALE AND WHITE ROCK- Code: 32WY5
Site of Scientific Interest	Name: CORS CRYMLYN / CRYMLYN BOG- Code: 33WWP
Site of Scientific Interest	Name: EARLSWOOD ROAD CUTTING AND FERRYBOAT INN QUARRIES- Code: 33WXN
Site of Scientific Interest	Name: BLACKPILL, SWANSEA- Code: 33WAM
Site of Scientific Interest	Name: EARLSWOOD ROAD CUTTING AND FERRYBOAT INN QUARRIES- Code: 33WXN
Site of Scientific Interest	Name: CORS CRYMLYN / CRYMLYN BOG- Code: 33WWP
Site of Scientific Interest	Name: CRYMLYN BURROWS- Code: 33WDC
Site of Scientific Interest	Name: SIX PIT, SWANSEA VALE AND WHITE ROCK- Code: 32WY5
Site of Scientific Interest	Name: EARLSWOOD ROAD CUTTING AND FERRYBOAT INN QUARRIES- Code: 33WXN
Site of Scientific Interest	Name: EARLSWOOD ROAD CUTTING AND FERRYBOAT INN QUARRIES- Code: 33WXN
Site of Scientific Interest	Name: PANT-Y-SAIS- Code: 33WXQ
Surface Water Flooding	Name: Surface Water Flooding - Zone: Intermediate
Surface Water Flooding	Name: Surface Water Flooding - Zone: Intermediate

Surface Water Flooding	Name: Surface Water Flooding - Zone: Intermediate
Surface Water Flooding	Name: Surface Water Flooding - Zone: Intermediate
Surface Water Flooding	Name: Surface Water Flooding - Zone: Less
	Name: St. Thomas ED

Site History

App Number	Proposal	Status	Decision Date
2018/2249/FUL	Change of use from storage and distribution (B8) to mixed use (class A1, A3, B1 and D2)	PDE	

APPRAISAL

RESPONSES TO CONSULTATIONS

Public Response

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by the posting of a site notice within the vicinity of the application site.

- o No representations have been received to date.

Highway Authority

The Head of Transportation and Engineering was consulted and responded with the following comments:

Introduction

The proposals do not outline what the exact intended use will be; there is a collection of land uses including B1, A1, A3 and D2 used within the application, with no specific quantum given. It is assumed from the information provided that the use will be generally a party event venue and bar or nightclub use. This will also be supplemented by night events, whether scheduled or bespoke and day time coffee shop and restaurant.

The Transport Assessment (TA) which has been submitted as part of the application has been reviewed. This has been submitted following the previous Highway Officer consultation recommendation for refusal (2018/1078/FUL) based on the lack of information.

Existing Highway Conditions

The location of local facilities has been presented, the method used is reported as pedestrian isochrones, however the distances displayed are radial and not joining points of equal distance and/or journey time using footways. As such the distances cannot be relied upon to provide a true account. In addition to this there are a noticeable lack of facilities that would encourage linked trips.

The location of the proposals is at a significant distance from key transport connections such as the train station and bus station, which lay between 3.0 and 3.5 kilometres walking distance. The facilities that could be similar in their use to the proposals are also located in central Swansea broadly between the train station and bus station, thereby being highly sustainable.

Highway Safety

The highway safety assessment section is brief and has not reviewed the details of the vehicular incidents leading to personal injury, this is likely to be due to using 'Crashmap'. We would require an assessment that considers the causation factors as well as the travel modes which were involved. This will help to determine whether there are any existing safety issues and how the proposals could impact upon this. The data provided by the City and County of Swansea or Welsh Government has been validated and errors in reporting adjusted, thereby cutting down on the inaccuracies. Therefore this methodology (CCS/WG) should be used in all cases, instead of Crashmap, when preparing TAs.

In addition to the above, the study area has been cropped short, particularly given the known collision history to the immediate west of the signalised access junction. A serious incident had occurred during the night time around a year ago and involved a vulnerable road user who was struck by a vehicle. This incident would be an example of what the Highway Authority would be cautious of in reviewing this application.

Parking Provision

The previous Highway Authority response also requested that the Gross Floor Area of each element of the proposals was confirmed and used to determine parking requirements. This has not been provided, although there is further information in terms of a layout and a quantum.

The TA requested it to be noted, within the parking discussion section, that the applicant's existing similar venue operating in Cardiff provides no parking facilities. The Cardiff venue is located at around 800 metres walking distance to the capital city train station and bus interchange facilities, in broadly a straight line connection; on this basis it is significantly better located in sustainable travel terms than that being presented for consideration.

A provision of 78 car parking spaces is proposed although this is not based on the Swansea Parking Standards, it is likely developed by what the site area could provide. We would require further evidence based justification on the level of parking proposed, given the unsustainable location of the site. In addition to this, given the local knowledge of parking issues at this location, it would have been required to demonstrate how the parking provision for this site

affects the neighbouring units, showing clearly the allocation of parking for each business. The proposed car parking and circulation appears to take up the area in front of the neighbouring building.

The supplementary planning guidance for parking specifies that parking bays are provided at dimensions of 2.6 metres by 4.8 metres. This will need to be provided to be in compliance, regardless of commonplace parking space dimensions of 2.4 metres width.

For disabled parking use the provision is a minimum of one space per disabled employee, plus 6% of the total parking provision. The required dimensions for disabled parking provision are 2.4 metres by 4.8 metres with a 1.2 metre margin around three sides to allow transfer from vehicle to wheelchair and not just to one side and rear.

Motorcycle parking provision has been acknowledged in the TA at 5% of the total car parking provision. Motorcycle parking should be secure and can vary in dimensions; Swansea recommends a size of 2.8 metres by 1.3 metres is provided. Motorcycle parking is proposed informally, although could be formalised at the request of the LHA. This would be required.

Cycle parking has been presented under the category of commercial concert hall, which is not unreasonable and may provide a useful proxy for comparing the proposed car parking provision of 78 against a potential of around 300 spaces (on the full gross floor area of the site).

It is unclear where commercial vehicle parking will take place. This would be required for each of the land uses proposed, together with swept path assessments illustrating adequate parking and turning areas.

Internal Site Layout

The proposed internal layout has been considered. At present there are no pedestrian facilities available from the Langdon Road junction with Bevans Row. In considering the application which could see a peak of around 1,000 attendees, this could mean a few hundred pedestrians walking in the carriageway which is assumed to be unlit and industrial in nature, whilst a significant number of vehicles arrive and depart. On safety ground this would not be acceptable particularly in view of the time of operation and alcohol consumption.

Internal layout provision for the goods and delivery route appears confusing at the internal car park junction. Entering and exiting the general circulation at the location shown is not supported given that it is irregular and would be unexpected to normal site users.

Disabled parking bays seem to show the 1.2 metre buffer areas overlapping the central pedestrian route. The parking requirements do not intend for buffers to form part of walking routes.

Traffic Generation

The trip generation analysis includes the potential traffic generation of the existing building land use. The analysis has used the TRICs database employing Industrial Units as the search category. It is understood that the unit may be commercially let in this way, although the planning statement and application confirm the existing lawful land use as B8 storage and distribution.

The criteria set out in the TA and Appendix B has been followed and attempts to replicate this trip rate are unsuccessful. The study has shown this trip rate presented in the TA to be higher than those with searches carried out by CCS.

Furthermore, cursory reviews of TRICs under the B8 land use of warehousing, self-storage and commercial presents lower trips rates.

The conclusions are that the existing traffic generation predictions are potentially over optimistic.

To determine the traffic generating capabilities of the site, the methodology set out in the TA uses the maximum attendee numbers and donor sites from TRICs database to forecast multi modal trips. The TRICs site selection comprised two sites, public house type uses, which is considered too small to be representative. However the approach is considered to be broadly acceptable, although the vehicular modal split is considered to be low given the detached nature of the proposed site from other similar venues and lack of transport choices.

The traffic generation analysis presents the case for primary transfer trips, non-primary linked trips, non-primary pass-by trips and non-primary diverted trips. This methodology is generally acceptable when dealing with retail development, in particular food retail. The location of this site and the fact that it is not linked or near other such establishments means that it cannot achieve the benefit and discount in trips that are claimed in the TA.

There is reasoning provided on how 50% of trips will transfer from other venues and therefore traffic impact has been halved, this is unlikely for the reasons described above, although some small level of transfer is likely. The proportion is likely to be low when considering that in the city centre area there are a number of venues which would generally be accessed sustainably. This location is likely to require car use, an increase in cars on the network for those who may have ordinarily travelled by bus or train for central venues.

In general, the reasoning on transfer, diverted, pass-by and non-primary is weaker in this type of land use given its offering and the chosen location. In addition to the 50% transfer trip discount above, the assessment seeks a further 30% pass-by and diverted trips reduction. There is concern with this and this will be set out in more detail below.

The current Depot at Cardiff runs regular events and special events, all seem to heavily internet based sales, with a small number of tickets held at the door for first come first served. The visitors to the proposed venue are therefore heading directly to a pre-paid event and will not be diverting or passing by.

Student visitors to this venue are unlikely to drive, given the reduced car ownership and parking levels set at nearby student accommodation at Bay Campus. This user group is therefore likely to make up the majority of the walking trade and reduces further the propensity for car transfer, pass-by or diversions.

Entertainment events that include alcohol consumption require good transport links, this is located a long walking distance from central connections with some bus services. Therefore cross visiting is unlikely and more likely to generate unsustainable journeys primarily at this location.

Traffic Impact and Capacity Assessments

The peak hour development impact at the nearby signalised junction with Fabian way has been calculated at 5%. The traffic impact is in the opinion of the Highway Authority is that it is likely to be higher for the reasons set out in the earlier section and is therefore disputed.

This junction is already sensitive to changes and regardless of any trip discounting impact will still be regarded as severe.

The capacity assessment has focussed on the regular events of 250 visitors as the 1,000 events are reported as not being considered typical. The analysis should consider the peak use of the site so that the impacts can be fully understood at this sensitive location.

The model parameters for the signal junction have been taken from those within the nearby SA1 development - (Ref 2015/1584) which the TA refers to as agreed parameters. It is assumed that the methodology used did not include the development traffic from that donor development given the discussion on double counting and growth factors. Although to layer on the proposals to the adjacent site assessments would have formed a useful scenario in understanding the impact of both developments and provide a robust assessment.

The TA (based on 250 attendees assessment) concludes that the proposals will result in detriment to the operation of the junction. In our opinion this will be extensively compounded by the fact that there has been excessive discount applied to traffic assumptions and the fact that the assessments only focused on events of 250 attendees and not the full potential of 1,000.

The TA capacity assessment summary advised that the adjacent development was found acceptable with a larger reported traffic impact. It was agreed as acceptable following commitment to planned improvements to mitigate the identified impact. It is then suggested in the TA that this proposal could also be accommodated through minor reconfiguration works.

The SA1 development was considered on its own merits and proposed mitigation that was obviously considered acceptable at the time of decision. The subject of this application was not factored into that process and will need to consider it's own mitigation, after first assessing the full impact of the development.

To conclude, we do not accept the findings of the TA and we do not accept that the Depot proposals can be accommodated within existing infrastructure given that the base assumptions referenced in the TA are flawed.

Summary

Based on the above consultation response, it is clear that there are safety concerns over vulnerable road users at this location, particularly given the nature of the proposals. There are further concerns on the methodology for forecasting development impact, under representation of the events at capacity assessment and overall lack of mitigation proposed. The Highway Authority considers that this application should be recommended for refusal.

Pollution Control Team

The Pollution Control Team was consulted and responded with the following comments:

I have considered the information provided in the application and would like to OBJECT to the application due to the lack of technical details relating to how amplified sound from the venue is to be controlled to ensure that local residents are not disturbed by the change of use to B1, A1, A3, D2. General noise reduction measures that were applied to The Depot, Cardiff were included in the report. However, the information was too general to satisfy the Department that these provisions would control noise emanating from the site, specifically from the A3 and D2 use.

I would require technical details on all the works undertaken on the structure, which is in essence a metal shed plus specifications on all entrances, exits, ventilation ducts/ openings; technical details on the sound system and location of speakers plus any other works to minimise noise outbreak.

There were also comments within the report that were unclear and I have listed these below:

- o There appears to be a typing error on the title page which reads 'The Depot, Dumballs Road, Cardiff' as on the next page it reads 'The Depot, Langdon Road';
- o The report states that the proposed opening hours for the venue will be Monday to Friday 10.00 - 00.00 but the application states that the times of opening are Monday - Friday 10.00 - 00.00 and Saturday and Sunday 10.00 - 01.00;
- o Page 9 4.1.4 'crowd noise was not the dominant noise source coming from the Depot in Swansea and was largely masked by traffic noise or music noise' Should this read 'Cardiff rather than Swansea?';
- o Page 9 4.1.5 Table 2 noise levels recorded at monitoring location 4 is representative of noise levels due to music and microphone - I get that but then page 10 4.1.6 Table 3 noise levels recorded at monitoring location 3 is representative of noise levels due to traffic but why are the 'Resultant noise levels' exactly the same in Table 2 and 3. They have the same title as well 'Source noise level adjustments for predicted music noise levels';
- o I started getting confused and wasn't sure what Table 4 page 11 4.1.7 was predicting - traffic or music?
- o Page 12 4.2.2 Events are only held regularly on a Friday? Does this just apply to Events were the main component is amplified music?

Dwr Cymru

No objection subject to a condition and advisory notes.

Description

This application seeks full planning permission for the change of use of the Unit between Limitless and Swansea Coach Builders, SA1 Business Park from B8 to a mix of Class A1, A3, B1 and D2.

The site, which forms part of the old AWCO works is located adjacent to Fabian Way, one of the main approach corridors and gateway to the City Centre and within close proximity of a number of commercial units including Audi and Mercedes car dealerships, Hancock and Brown builder's merchants, McDonalds and Starbucks. The whole of the site benefits from planning permission for storage and distribution (Class B8) granted in December 2003 (planning application reference 2003/2194).

The former AWCO works are now sub-divided and let as industrial units and are used for a range of activities including storage, distribution, museum (Swansea Bus Museum), car mechanics, engineering and a gym. Access to the site is gained from Langdon Road and is shared with the other units.

Planning History

A previous planning application (2018/1078/FUL) for the change of use from storage and distribution (Class B8) to mixed use (Class A1, A3 and D2) was refused on 6th July 2018 for the following reasons:

- 1. It has not been demonstrated that the site is the most sequentially preferable in terms of its proposed location and would therefore undermine the principle of locating retail, restaurant and leisure uses within existing commercial centres. As a result the application has failed to demonstrate that the proposed development does not result in material harm to the vitality and viability of the City Centre. Moreover the development would result in the loss of a site that would be better retained for uses that are suited to a more peripheral out of centre location. The proposal development would therefore undermine the Council's economic strategy to locate economic development in the most appropriate and sustainable locations and is contrary to Policies EC3, EC4, EC9 and HC18 of the City and County of Swansea Unitary Development Plan (Adopted 2008).*
- 2. Insufficient information has been provided as part of the planning application in relation to the nature and extent of the proposed uses to demonstrate that the proposed change of use to a mixed use of A1, A3 and D2 would not harm the amenity of neighbouring occupiers by virtue of late night noise and traffic disturbance. Accordingly the development is contrary to the requirements of policies EV1 (iii) and EV40 of the City and County of Swansea Unitary Development Plan (Adopted 2008).*
- 3. Insufficient information has been provided by way of a Transport Assessment, including full details of proposed pedestrian and vehicular routes through the site to serve the proposed development in order to demonstrate that the highway network is capable of accommodating the traffic generated by the proposal and that suitable access and egress is provided to serve the development. Accordingly it has not been demonstrated that the proposed change of use would not have an adverse impact upon access and highway safety and traffic flows, contrary to Policies EV3, EC4, HC18, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008).*

Main Issues

The main issues in the consideration of this application relate to the principle of the proposed use of the unit as a mixture of A1, A3, B1 and D2 uses having regard to the loss of an industrial/warehouse use within an established industrial and commercial area including the impact of the change upon the City Centre, the impact of the proposed development on the character and appearance of the area including the amenities of neighbouring occupiers, and the impact on parking and highway safety, having regard to Policies EV1, EV40, HC18, EC3, EC4, EC9, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (2008).

Policy and Procedural Issues

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded *there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act*. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that *planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence*. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting

'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include:

PS 2 Placemaking and Place Management. This policy states that development should enhance the quality of places and spaces and respond positively to aspects of local context and character that contribute towards a sense of place.

RC 2 Retail and Leisure Development. This policy states that retail and leisure facilities must assess the suitability of sites within Swansea Central Area, District Centres and Local Centres.

RC 8 Commercial Development Within Strategic Development Areas. This policy states that retail, leisure and appropriate complementary commercial proposals will be supported within allocated Strategic Development Areas subject to strict criteria.

RC 11 Alternative Uses at Employment Locations. This policy states that development of established industrial and commercial land and premises for non-business uses falling outside of Use Classes B1, B2 and B8 will only be permitted in certain circumstances.

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

T 1 Transport Measures and Infrastructure. This policy states that development must be supported by appropriate transport measures and infrastructure.

T 2 Active Travel. This policy highlights that development must take opportunities to enhance walking and cycling access.

T 4 Transport Interchanges - delivery of new or enhanced transport interchanges will be supported where they would serve to reduce the length and amount of journeys by car and help to minimise travel demand, including measures as specified in the policy.

T5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

T 6 Parking - Proposals must be served by appropriate parking provision in accordance with maximum parking standards.

Principle of Development

Policy HC18 of the City and County of Swansea Unitary Development Plan states that new leisure facilities will be permitted at suitable locations within the urban area subject to the policy criteria being met. The general thrust of the policy is to direct leisure facilities including retail and restaurants to city centre, district centre and edge of centre sites. Away from such locations, the need for facilities must be assessed and justified. Therefore proposals must not either singularly or cumulatively undermine the vitality and viability of the city centre and district shopping centres. Sites must be accessible by a number of modes of transport, provide appropriate levels of parking and not result in any significant effect on traffic flows.

Policy HC18 is supported by Policy EC3 of the City and County of Swansea Unitary Development Plan which states that:

Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. Development at established industrial and commercial areas for non-business uses will not be permitted where proposals unacceptably limit the range and quality of sites available for employment development.

This application is for the change of use of an industrial unit to a mixture of A1, A3, B1 and D2 uses.

No information has been submitted to justify that the unit has been marketed for appropriate business use with no uptake or that the unit is suitable for this type of development. The Planning Statement submitted sets out that the business model requires a unit of comparable size to the application unit and that a unit of this size cannot be found in the City Centre but provides no evidence of exploration of other sites within the City Centre or indeed District Centres to establish that this particular site is the most appropriate.

As such it is considered that the development will result in the loss of a site that would be better retained for uses that are suited to a more peripheral location due to their inherent nature and requirements. In effect the proposed uses would undermine the Council's economic strategy to locate leisure development (D2) in the most appropriate and sustainable locations. The development would therefore be contrary to Policy EC3 and is not considered acceptable.

Policy EC4 of the City and County of Swansea Unitary Development Plan refers to new retail development and states that the acceptability of retail development proposals will be assessed against the need for the development. The policy also states that 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*
- (v) The scheme satisfactorily addressed design, environmental and highway considerations.*

It is vital to ensure that any new retail development complies with the requirements of the above policy. In general Class A1 refers to the retail sale of goods other than hot food. Class A3 refers

to food and drink outlets, for example, restaurants, pubs, cafes, takeaways etc. With regards to the proposed A1 and A3 elements of the proposal, it is considered that this location is not suitable for these types of uses, particularly given the wide ranging nature of these uses and the size of the application unit. The creation of out of town retailing and other commercial ventures is at odds with the thrust of policies directed at providing enhancements to the City Centre. Clearly if planning permission were to be granted for uses such as these, a number of different outlets could open within the unit of which the Local Planning Authority would have no control over. Whilst it is recognised that the submitted Planning Statement states that the A1 and A3 uses would be ancillary to the main D2 use, it also states that a Café is phase 2 of the development, and the floor spaces associated with each A1, A3 and D2 uses are all listed as 788 square metres. It is clear that if planning permission were to be granted for this mix of uses, the Local Planning Authority would have little control if the business model was altered and whilst not wishing to restrict entrepreneurship, as outlined above, it is considered that this is a wholly unsuitable and unsustainable location for these uses.

Whilst it is recognised that there are now a number of uses within the wider business park, namely car showrooms, a Starbucks and McDonalds, it is not considered that these A3 uses (Starbucks and McDonalds) undermine the overall vitality of the business park given that they are located on the periphery and comprise of much smaller floor spaces or undermine the vitality and viability of the City Centre.

Emerging Local Development Plan Policies

As touched upon above the Swansea Local Development Plan (LDP) is at an advanced stage and so the policies contained within the LDP are relevant in the determination of this application. The application site is located within the Fabian Way Corridor which is allocated for mixed commercial, residential (525 dwellings) and employment development (Policy SD K - Fabian Way Corridor). Whilst this allocation does allow for development this is part of a wider area allocation that actually denotes the majority of the site as being allocated for 'Higher Density Residential' alongside the existing employment land and a proposed 'Employment Land / Flexible Review Area'. It goes on to state that developer requirements would include the need to improve transportation links and the main driver of the policy being the linking of the Bay Campus with the City Centre. Given the allocation of the zone scheduled for residential use and the requirement to improve linkages it is clear that the proposal conflicts with the emerging policy position.

Policy RC 8 states that retail and leisure facilities will only be permitted if it is specifically identified as an opportunity in the relevant Strategic Development Area (SDA), is located in an appropriate central location within the community and is of an appropriate scale. The proposal fails on all three points as the site is not allocated for retail and leisure within the Fabian Way Corridor SDA, is not located centrally within the community and is of a significant scale. Policy RC 11 requires that applicants demonstrate that the existing use is no longer viable or appropriate, that there is no need to retain the land or premises for its current use, that there would be no unacceptable impact on neighbouring properties and there are no sequentially preferable sites. This policy is similar to that of Policy HC18 and EC3 in its requirements which have been addressed above. Policies T 1, T 2 and T 6 all refer to the need for sustainable travel and adequate parking and accessibility provision for new development.

Whilst it is recognised that these Policies are yet to be formally adopted, as the Local Development Plan is at such an advanced stage and has been subject to consultation, they can

be given some weight in the determination of this application. The scheme assessed against the LDP policies fails in respect of the principle of development in view of the allocation.

Visual and Residential Amenity

Whilst it is recognised that there are only minor external alterations proposed, including a new entrance door, it is very likely, given the proposed change of use and the state of disrepair that the unit is in, that further applications to alter the appearance of the unit would be required. It is considered that the proposed uses, by their very nature would alter the character and appearance of the business park

The application form states that the unit would operate from Monday to Friday 10.00 to 00.00 and Saturday, Sunday and Bank Holidays 10.00 - 01.00. The Noise Assessment Report only lists opening hours from Monday to Friday 10.00 - 00.00. It is however assumed, based on the nature of the proposal, that the opening hours as detailed in the application form are correct. These operating hours suggest that the uses will be of a late night nature and will therefore generate comings and goings to the site much later than the surrounding units. Whilst it can be accepted that the site lies within an existing business park, the very nature of the uses proposed with late night visits to and from the premises by potentially large numbers of people and the potential for serving alcohol from the premises would likely lead to noise and disturbance impacts and conflicts with existing residential uses in the area, most particularly the residences located along Bevans Row.

The Pollution Control Team has also objected to the proposal based on the lack of technical details relating to how amplified sound from the venue is to be controlled to ensure that local residents are not disturbed by the change of use to B1, A1, A3, D2. The Pollution Control Team is not satisfied that the proposed change of use will not have an impact upon the residential amenity of nearby properties. Whilst it can be noted that the applicant's Noise Survey puts forward suggestions of 'mitigation measures' to control noise sources, including insulation and automatic door closers this would clearly not mitigate for the late activity and noise generated from the use by reason of comings and goings to the premises. Whilst balancing up the extant use for business purposes the proposed use is materially different and as referred to likely to generate larger volumes of people attending the site at one time than late at night.

The applicant has applied for a mix of A1, A3, B1 and D2 uses, however no reference is made within the supporting information as to what part the B1 use will play in the overall development of the site. The B1 use class can be categorised as offices, research and development of products and processes and light industry that is appropriate in a residential area. The application form states that the A1 use will comprise of 788 square metres of floorspace, the A3 use will comprise of 788 square metres of floorspace, the D2 use will comprise of 788 square metres of floorspace and the B1 use will comprise of 256 square metres of floorspace. The floor plans do not indicate how these uses will be separated so whilst indicative floorspaces have been specified on the application form, this does little to show how the business will operate.

In view of the above it is considered that the proposed mix of A1, A3, B1 and D2 uses would have a detrimental impact upon the amenity and well-being of neighbouring residential occupiers by virtue of late night noise and traffic disturbance, contrary to the requirements of Policies EV1 (iii) and EV40 of the City and County of Swansea Unitary Development Plan (Adopted 2008) as well as emerging Local Development Plan policies PS 2 - Placemaking and RP 1- Safeguarding Public Health and Natural Resources.

Access and Highway Safety

The Head of Transportation and Engineering has commented on this application and has stated that the proposed change of use would have a significant and detrimental impact upon highway and pedestrian safety. It is clear from the submitted Transport Statement that the proposed uses will generate additional vehicular flows to and from the site. The report which is set out above includes consideration of the submitted Transport Statement and raises various matters including the methodology for forecasting development impact, under representation of the events at capacity assessment, insufficient information on parking demands of other business uses in conjunction with the proposed uses and no mitigation proposed to limit the impacts of the development. Whilst noting the lack of firm evidence to support the uses being proposed a clear concern raised is that of pedestrian safety, particularly in connection with the access to and from the site.

Pedestrian Safety

The submitted information states that the development will host events for up to 1,000 people. The business park is, for the most part, unlit, and the area outside the application unit is allocated for car parking. This would mean that pedestrians would have to navigate this area and locate the pedestrian entrance onto Fabian Way or walk through the entire business park. The proposed ground floor plan indicates that the pedestrian access onto Fabian Way will be stewarded which although may help these users in locating the access point, no stewarding would take place after this point. A significant number of pedestrians would then be walking along a footway adjacent to a road which is essentially a dual carriageway, with alcohol consumption involved this presents a significant safety concern and one which should not be facilitated by the granting of this application. In connection with the existing vehicular access off Langdon Road near the junction with Bevans Row it is clear that the access has no pavement and those accessing the venue from Langdon Road would likely conflict with vehicular traffic. Whilst it can be accepted that there are existing uses within the business park, including that of a trampoline centre, the proposed uses are materially different in that they are likely to encourage, in view of alcohol consumption, visitors to attend by foot.

Based on the above, it is clear that there are safety concerns over vulnerable road users at this location, particularly given the nature of the proposals. There are further concerns on the methodology for forecasting development impact, under representation of the events at capacity assessment and overall lack of mitigation proposed. Therefore it is considered that the proposals fail to accord with Policies EV3, EC4, HC18, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and policies T 1, T 2, T 5 and T 6 of the Emerging Local Development Plan.

The Depot Cardiff

Throughout the submission references are made to the applicants existing similar venue in Cardiff. It therefore seems appropriate to note the differences between these two sites. At the Cardiff site planning permission was granted for the change of use for the existing industrial warehouse (Class B2) to a temporary use for three years as a restaurant (Class A3) on 2nd July 2015. There is also another planning application to extend the opening hours and change the use to a restaurant and drinking establishment for a further three years. It appears that this has yet to be determined.

With reference to highway and pedestrian safety it should be noted that whilst the applicant's existing similar venue operating in Cardiff provides no parking facilities, the Cardiff venue is located at around 800 metres walking distance to the capital city train station and bus interchange facilities, in broadly a straight line connection. On this basis it is significantly better located in sustainable travel terms than that being presented for consideration.

In addition it is noted that there have been issues in terms of noise pollution to surrounding residents from the Cardiff site. Swansea's Pollution Control Team have stated that insufficient information has been provided to demonstrate that the change of use would not impact surrounding residents and that the information provided in terms of noise reduction measures was too general to satisfy the Department that these provisions would control noise emanating from the site, specifically from the A3 and D2 use. Taking the concerns of the Pollution Control Team in respect of the uses within the building coupled with concerns about late night comings and goings to the site it is not considered that this application is acceptable on residential amenity grounds.

Conclusions

In conclusion it is considered that the proposal represents an unacceptable form of development. It has not been demonstrated that the site is the most sequentially preferable in terms of its proposed location and would therefore undermine the principle of locating retail, restaurant and leisure uses within existing commercial centres. Moreover the development would result in the loss of an existing site that would be better retained for uses that are suited to a more peripheral out of centre location. The proposal conflicts with emerging policies contained within the Local Development Plan which allocate the site for residential purposes. These concerns alongside concerns about the impact of the use upon residential amenity and highway safety in the area lead to the conclusion that the application is not acceptable. The proposed change of use to a mix of A1, A3, B1 and D2 is therefore contrary to Policies EV1, EV40, HC18, EC3, EC4, EC9, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and emerging policies contained within the Local Development Plan.

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

Recommendation;

Refuse for the following reasons:

- 1 It has not been demonstrated that the site is the most sequentially preferable in terms of its proposed location and would therefore undermine the principle of locating retail, restaurant and leisure uses within existing commercial centres. As a result the application has failed to demonstrate that the proposed development does not result in material harm to the vitality and viability of the City Centre. Moreover the development would result in the loss of an existing site that would be better retained for uses that are suited to a more

peripheral out of centre location. The proposal development would therefore undermine the Council's economic strategy to locate economic development in the most appropriate and sustainable locations and is contrary to Policies EC3, EC4, EC9 and HC18 of the City and County of Swansea Unitary Development Plan (Adopted 2008). Furthermore the principle of development conflicts with the Emerging Local Development Plan in respect of Policy SD K - Fabian Way Corridor in that the majority of the business park site is allocated for Higher Density Residential use alongside Employment Land, Policy RC 2 in that suitability of existing sites and premises within defined centres has not been undertaken and Policy RC 8 in that the proposal is not a site specific proposal or included on the SDA concept plan as an integral element of a planned new neighbourhood.

- 2 The proposed change of use from B8 to a mixed use of A1, A3, B1 and D2 by virtue of the nature of the mix of uses at this location, the hours of operation including late night visitors to and from the premises will harm the amenities and well-being of neighbouring residential occupiers by virtue of late night noise and traffic disturbance. Accordingly the development is contrary to the requirements of policies EV1 (iii) and EV40 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and the Emerging Local Development Plan Policies PS 2 - Placemaking and RP 1 - Safeguarding Public Health and Natural Resources.
- 3 The proposed change of use from B8 to a mix of A1, A3, B1 and D2 would have the propensity to generate additional vehicular flows to and from the site and it has not been adequately established that the development can be accommodated within the existing infrastructure. The submitted Transport Assessment is considered to be flawed in its projections and reasoning in view of the methodology for forecasting development impact, under representation of the events at capacity assessment, insufficient information on parking demands of other business uses in conjunction with the proposed uses and no mitigation proposed to limit the impacts of the development. Accordingly the development is contrary to the requirements of Policies EV3, EC4, HC18, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and policies T 1, T 2, T 5 and T 6 of the Emerging Local Development Plan.
- 4 The development includes proposals to hold events with up to 1,000 people in attendance and high numbers of pedestrians would therefore be within the business park which has no footways and is unlit and the wider area. The increase in vulnerable road users within the business park and along Fabian Way would present significant highway safety concerns which would not accord with the provisions of Policies EV3, EC4, HC18, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and policies T 1, T 2 and T 5 of the Emerging Local Development Plan.

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: EV1, EV40, HC18, EC3, EC4, EC9, AS1, AS2, AS5 and AS6 and policies contained within the Emerging Local Development Plan.
- 2 PLANS

1833-20-100 proposed ground floor plan, 1833-20-101 proposed first floor plan, 1833-20-200 proposed elevations and section, 1833-20-290 proposed site plan, received 22nd October 2018. Location plan, received 25th October 2018.

2018/2249/FUL Change of use from storage and distribution (B8) to mixed use (class A1, A3, B1 and D2).

The Depot (unit Between Limitless Trampoline Park And Swansea Coach Builders)
Langdon Road SA1 Business Park Swansea SA1 8DB

The proposals seek to redevelop and existing building located at the Langdon Road Business Park.

Introduction

The proposals do not outline what the exact intended use will be; there is a collection of land uses including B1, A1, A3 and D2 used within the application, with no specific quantum given. It is assumed from the information provided that the use will be generally a party event venue and bar or nightclub use. This will also be supplemented by night events, whether scheduled or bespoke and day time coffee shop and restaurant.

The Transport Assessment (TA) which has been submitted as part of the application has been reviewed. This has been submitted following the previous Highway Officer consultation recommendation for refusal (2018/1078/FUL) based on the lack of information.

Existing Highway Conditions

The location of local facilities has been presented, the method used is reported as pedestrian isochrones, however the distances displayed are radial and not joining points of equal distance and/or journey time using footways. As such the distances cannot be relied upon to provide a true account. In addition to this there are a noticeable lack of facilities that would encourage linked trips.

The location of the proposals is at a significant distance from key transport connections such as the train station and bus station, which lay between 3.0 and 3.5 kilometres walking distance. The facilities that could be similar in their use to the proposals are also located in central Swansea broadly between the train station and bus station, thereby being highly sustainable.

Highway Safety

The highway safety assessment section is brief and has not reviewed the details of the vehicular incidents leading to personal injury, this is likely to be due to using 'Crashmap'. We would require an assessment that considers the causation factors as well as the travel modes which were involved. This will help to determine whether there are any existing safety issues and how the proposals could impact upon this. The data provided by the City and County of Swansea or Welsh Government has been validated and errors in reporting adjusted, thereby cutting down on the inaccuracies. Therefore this methodology (CCS/WG) should be used in all cases, instead of Crashmap, when preparing TAs.

In addition to the above, the study area has been cropped short, particularly given the known collision history to the immediate west of the signalised access junction. A serious incident had occurred during the night time around a year ago and involved a vulnerable road user who was struck by a vehicle. This incident would be an example of what the Highway Authority would be cautious of in reviewing this application.

Parking Provision

The previous Highway Authority response also requested that the Gross Floor Area of each element of the proposals was confirmed and used to determine parking requirements. This has not been provided, although there is further information in terms of a layout and a quantum.

The TA requested it to be noted, within the parking discussion section, that the applicant's existing similar venue operating in Cardiff provides no parking facilities. The Cardiff venue is located at around 800 metres walking distance to the capital city train station and bus interchange facilities, in broadly a straight line connection; on this basis it is significantly better located in sustainable travel terms than that being presented for consideration.

A provision of 78 car parking spaces is proposed although this is not based on the Swansea Parking Standards, it is likely developed by what the site area could provide. We would require further evidence based justification on the level of parking proposed, given the unsustainable location of the site. In addition to this, given the local knowledge of parking issues at this location, it would have been required to demonstrate how the parking provision for this site affects the neighbouring units, showing clearly the allocation of parking for each business. The proposed car parking and circulation appears to take up the area in front of the neighbouring building.

The supplementary planning guidance for parking specifies that parking bays are provided at dimensions of 2.6 metres by 4.8 metres. This will need to be provided to be in compliance, regardless of commonplace parking space dimensions of 2.4 metres width.

For disabled parking use the provision is a minimum of one space per disabled employee, plus 6% of the total parking provision. The required dimensions for disabled parking provision are 2.4 metres by 4.8 metres with a 1.2 metre margin around three sides to allow transfer from vehicle to wheelchair and not just to one side and rear.

Motorcycle parking provision has been acknowledged in the TA at 5% of the total car parking provision. Motorcycle parking should be secure and can vary in dimensions; Swansea recommends a size of 2.8 metres by 1.3 metres is provided. Motorcycle is parking proposed informally, although could be formalised at the request of the LHA. This would be required.

Cycle parking has been presented under the category of commercial concert hall, which is not unreasonable and may provide a useful proxy for comparing the proposed car parking provision of 78 against a potential of around 300 spaces (on the full gross floor area of the site).

It is unclear where commercial vehicle parking will take place. This would be required for each of the land uses proposed, together with swept path assessments illustrating adequate parking and turning areas.

Internal Site Layout

The proposed internal layout has been considered. At present there are no pedestrian facilities available from the Langdon Road junction with Bevans Row. In considering the application which could see a peak of around 1,000 attendees, this could mean a few hundred pedestrians walking in the carriageway which is assumed to be unlit and industrial in nature, whilst a significant number of vehicles arrive and depart. On safety ground this would not be acceptable particularly in view of the time of operation and alcohol consumption.

Internal layout provision for the goods and delivery route appears confusing at the internal car park junction. Entering and exiting the general circulation at the location shown is not supported given that it is irregular and would be unexpected to normal site users.

Disabled parking bays seem to show the 1.2 metre buffer areas overlapping the central pedestrian route. The parking requirements do not intend for buffers to form part of walking routes.

Traffic Generation

The trip generation analysis includes the potential traffic generation of the existing building land use. The analysis has used the TRICs database employing Industrial Units as the search category. It is understood that the unit may be commercially let in this way, although the planning statement and application confirm the existing lawful land use as B8 storage and distribution.

The criteria set out in the TA and Appendix B has been followed and attempts to replicate this trip rate are unsuccessful. The study has shown this trip rate presented in the TA to be higher than those with searches carried out by CCS.

Furthermore, cursory reviews of TRICs under the B8 land use of warehousing, self-storage and commercial presents lower trips rates.

The conclusions are that the existing traffic generation predictions are potentially over optimistic.

To determine the traffic generating capabilities of the site, the methodology set out in the TA uses the maximum attendee numbers and donor sites from TRICs database to forecast multi modal trips. The TRICs site selection comprised two sites, public house type uses, which is considered too small to be representative. However the approach is considered to be broadly acceptable, although the vehicular modal split is considered to be low given the detached nature of the proposed site from other similar venues and lack of transport choices.

The traffic generation analysis presents the case for primary transfer trips, non-primary linked trips, non-primary pass-by trips and non-primary diverted trips. This methodology is generally acceptable when dealing with retail development, in particular food retail. The location of this site and the fact that it is not linked or near other such establishments means that it cannot achieve the benefit and discount in trips that are claimed in the TA.

There is reasoning provided on how 50% of trips will transfer from other venues and therefore traffic impact has been halved, this is unlikely for the reasons described above, although some small level of transfer is likely. The proportion is likely to be low when considering that in the city centre area there are a number of venues which would generally be accessed sustainably. This location is likely to require car use, an increase in cars on the network for those who may have ordinarily travelled by bus or train for central venues.

In general, the reasoning on transfer, diverted, pass-by and non-primary is weaker in this type of land use given its offering and the chosen location. In addition to the 50% transfer trip discount above, the assessment seeks a further 30% pass-by and diverted trips reduction. There is concern with this and this will be set out in more detail below.

The current Depot at Cardiff runs regular events and special events, all seem to heavily internet based sales, with a small number of tickets held at the door for first come first served. The visitors to the proposed venue are therefore heading directly to a pre-paid event and will not be diverting or passing by.

Student visitors to this venue are unlikely to drive, given the reduced car ownership and parking levels set at nearby student accommodation at Bay Campus. This user group is therefore likely to make up the majority of the walking trade and reduces further the propensity for car transfer, pass-by or diversions.

Entertainment events that include alcohol consumption require good transport links, this is located a long walking distance from central connections with some bus services. Therefore cross visiting is unlikely and more likely to generate unsustainable journeys primarily at this location.

Traffic Impact and Capacity Assessments

The peak hour development impact at the nearby signalised junction with Fabian way has been calculated at 5%. The traffic impact is in the opinion of the Highway Authority is that it is likely to be higher for the reasons set out in the earlier section and is therefore disputed.

This junction is already sensitive to changes and regardless of any trip discounting impact will still be regarded as severe.

The capacity assessment has focussed on the regular events of 250 visitors as the 1,000 events are reported as not being considered typical. The analysis should consider the peak use of the site so that the impacts can be fully understood at this sensitive location.

The model parameters for the signal junction have been taken from those within the nearby SA1 development – (Ref 2015/1584) which the TA refers to as agreed parameters. It is assumed that the methodology used did not include the development traffic from that donor development given the discussion on double counting and growth factors. Although to layer on the proposals to the adjacent site assessments would have formed a useful scenario in understanding the impact of both developments and provide a robust assessment.

The TA (based on 250 attendees assessment) concludes that the proposals will result in detriment to the operation of the junction. In our opinion this will be extensively compounded by the fact that there has been excessive discount applied to traffic assumptions and the fact that the assessments only focused on events of 250 attendees and not the full potential of 1,000.

The TA capacity assessment summary advised that the adjacent development was found acceptable with a larger reported traffic impact. It was agreed as acceptable following commitment to planned improvements to mitigate the identified impact. It is then suggested in the TA that this proposal could also be accommodated through minor reconfiguration works.

The SA1 development was considered on its own merits and proposed mitigation that was obviously considered acceptable at the time of decision. The subject of this application was not factored into that process and will need to consider its own mitigation, after first assessing the full impact of the development.

To conclude, we do not accept the findings of the TA and we do not accept that the Depot proposals can be accommodated within existing infrastructure given that the base assumptions referenced in the TA are flawed.

Summary

Based on the above consultation response, it is clear that there are safety concerns over vulnerable road users at this location, particularly given the nature of the proposals. There are further concerns on the methodology for forecasting development impact, under representation of the events at capacity assessment and overall lack of mitigation proposed. The Highway Authority considers that this application should be recommended for refusal.



CITY AND COUNTY OF SWANSEA

TOWN AND COUNTRY PLANNING ACT 1990-2004

REFUSAL OF PLANNING PERMISSION

TO:

Mr Andrew Bates
Geraint John Planning
Office 16 (House 1, 2nd Floor)
The Maltings
East Tyndall Street
Cardiff
CF24 5EA

DATE VALID: 25.10.2018
APPLICATION NO: 2018/2249/FUL
APPLICANT: Mr Nicholas Saunders

The CITY AND COUNTY OF SWANSEA, in exercise of its powers under the above ACT, hereby REFUSES planning permission for:-

SITE LOCATION:

The Depot (unit Between Limitless
Trampoline Park And Swansea
Coach Builders)
Langdon Road
SA1 Business Park
Swansea SA1 8DB

PROPOSAL:

Change of use from storage and distribution (B8) to mixed
use (class A1, A3, B1 and D2)

For the following reasons:

1. It has not been demonstrated that the site is the most sequentially preferable in terms of its proposed location and would therefore undermine the principle of locating retail, restaurant and leisure uses within existing commercial centres. As a result the application has failed to demonstrate that the proposed development does not result in material harm to the vitality and viability of the City Centre. Moreover the development would result in the loss of an existing site that would be better retained for uses that are suited to a more peripheral out of centre location. The proposal development would therefore undermine the Council's economic strategy to locate economic development in the most appropriate and sustainable locations and is contrary to Policies EC3, EC4, EC9 and HC18 of the City and County of Swansea Unitary Development Plan (Adopted 2008). Furthermore the principle of development conflicts with the Emerging Local Development Plan in respect of Policy SD K - Fabian Way Corridor in that the majority of the business park site is allocated for Higher Density Residential use alongside Employment Land, Policy RC 2 in that suitability of existing sites and premises within defined centres has not been undertaken and Policy RC 8 in that the proposal is not a site specific proposal or included on the SDA concept plan as an integral element of a planned new neighbourhood.
2. The proposed change of use from B8 to a mixed use of A1, A3, B1 and D2 by virtue of the nature of the mix of uses at this location, the hours of operation including late night visitors to and from the premises will harm the amenities and well-being of neighbouring residential occupiers by virtue of late night noise and traffic disturbance. Accordingly the development is contrary to the requirements of policies EV1 (iii) and EV40 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and the Emerging Local Development Plan Policies PS 2 - Placemaking and RP 1 - Safeguarding Public Health and Natural Resources.

3. The proposed change of use from B8 to a mix of A1, A3, B1 and D2 would have the propensity to generate additional vehicular flows to and from the site and it has not been adequately established that the development can be accommodated within the existing infrastructure. The submitted Transport Assessment is considered to be flawed in its projections and reasoning in view of the methodology for forecasting development impact, under representation of the events at capacity assessment, insufficient information on parking demands of other business uses in conjunction with the proposed uses and no mitigation proposed to limit the impacts of the development. Accordingly the development is contrary to the requirements of Policies EV3, EC4, HC18, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and policies T 1, T 2, T 5 and T 6 of the Emerging Local Development Plan.
4. The development includes proposals to hold events with up to 1,000 people in attendance and high numbers of pedestrians would therefore be within the business park which has no footways and is unlit and the wider area. The increase in vulnerable road users within the business park and along Fabian Way would present significant highway safety concerns which would not accord with the provisions of Policies EV3, EC4, HC18, AS1, AS2, AS5 and AS6 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and policies T1, T2 and T5 of the Emerging Local Development Plan.

Informatives:

Please view plans on City & County of Swansea website <http://property.swansea.gov.uk>

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: EV1, EV40, HC18, EC3, EC4, EC9, AS1, AS2, AS5 and AS6 and policies contained within the Emerging Local Development Plan.
2. PLANS
1833-20-100 proposed ground floor plan, 1833-20-101 proposed first floor plan, 1833-20-200 proposed elevations and section, 1833-20-290 proposed site plan, received 22nd October 2018. Location plan, received 25th October 2018.

DATED: 20th December 2018

Phil Holmes

**PHIL HOLMES
HEAD OF PLANNING & CITY REGENERATION**

PLEASE NOTE: Your attention is drawn to the attached notes which explain, amongst other things, your right of appeal against this decision.

THE APPLICANT'S ATTENTION IS DRAWN TO THE NOTES BELOW

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval of the proposed development, or to refuse to grant a Certificate of Lawful Use or Lawful Proposed Use, or to grant permission or approval subject to conditions, he may appeal to the Welsh Ministers in accordance with Sections 78(1) and Section 195/196 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

Appeals must be made within a prescribed time period. For 'Householder Appeals' and 'Minor Commercial Appeals' validated from 22nd June 2015 onwards, the prescribed period is 12 weeks from the date of this notice. For all other planning appeals, the prescribed period is 6 months from the date of this notice. The definitions of 'Householder' and 'Minor Commercial' applications are available to view at the following website:

<http://www.assembly.wales/laid%20documents/sub-ld10212/sub-ld10212-e.pdf>.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, <http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/?lang=en>

Further information on the appeals process is also available on this website. The Welsh Ministers can allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Welsh Ministers are not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. The Welsh Ministers do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.

2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Ministers, and the owner of the land claims that the land has become incapable or reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990. (The local planning authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Ministers.)
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Welsh Ministers on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are out in Section 114 of the Town and Country Planning Act 1990.
4. Further correspondence regarding this application should bear the reference number quoted on the top of the form.

Appendix D

Licensing representations



Cyngor **Abertawe**
Swansea Council

Mr. Charles Gabe
Licensing Officer
Licensing
Civic Centre
Swansea
SA1 3SN

CYFARWYDDIAETH LLEOEDD

Canolfan Ddinesig, Heol Ystumllwynarth,
Abertawe, SA1 3SN

www.abertawe.gov.uk

DIRECTORATE OF PLACE

Civic Centre, Oystermouth Road,
Swansea, SA1 3SN

www.swansea.gov.uk

Gofynnwch am:

Trwyddedu

Please ask for:

Licensing

Llinell Uniongyrchol/Direct Line: 01792-635600

E-bost: trwyddedu.iya@abertawe.gov.uk

E-mail: evh.licensing@Swansea.gov.uk

Ein Cyf:

Our Ref:

Eich Cyf:

Your Ref:

Dyddiad: 14 Ionawr 2019

Date: 14 January 2019

Dear Mr Gabe

Licensing Act 2003 – New Premises License Application – Depot Swansea, Langdon Road, Port Tennant, Swansea, SA1 8PS.

The Licensing Authority as a Responsible Authority makes the following representation to the grant of above mentioned premises licence.

The application for Depot Swansea proposes the following licensable activities during the following times –

Plays, Films, Indoor Sporting Events, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance, Anything similar to Music/Dance & Supply of Alcohol

Monday to Sunday 1000 - 0000

Late Night Refreshment

Monday to Sunday 2300 – 0030

With the premises open to the Public

Monday to Sunday 1000 - 0030

The Premises is located within a commercial estate situated on Langdon Road next to Fabian Way.

Part M a) of the operating schedule states – *the applicants also have a strong set of policies and procedures that ensure the safe running of their venue in Cardiff and these have been submitted with the application and will be incorporated into the operation in Swansea.*

However only a short outline on a 2 sided document has been submitted with the application which refers to a Dispersal Policy, Road Safety, Private Hire Cars Arrangement, Rubbish Patrol and Training.

The Dispersal Policy does not fully address the Road Safety issues within the car park area to ensure separation of customers and traffic within a very busy commercial unit area.

The Road Safety Policy does not address that the pedestrian gate which leads directly onto a narrow pavement on Fabian Way. This raises serious concerns in relation to customer safety when leaving the premises, some of whom will be vulnerable due to alcohol consumption.

Sufficient provision of taxis and a dedicated taxi rank outside the premises has been outlined in the operating schedule however the detail in relation to this important issue has not been addressed fully as part of the dispersal policy. There are already issues in the City Centre on busy event nights to service the existing ranks to ensure customers are dispersed safely. Concern is raised that this is not an area that would be normally serviced by taxis and private hire firms without prior arrangement.

The biggest concern is in relation to patrons walking to and from the venue, through a well-used commercial area with no public footpaths which is currently poorly lit with uneven surfaces. The commercial unit currently accommodates a number of garage type businesses which include a driving school for HGV and motorbikes, all of these types of vehicles passing through the area in which this premises will be located.

There are a large number of parked vehicles during all hours including overnight in connection with the businesses in this unit. There are also discarded items such as large towers of pallets and general rubbish. These are all matters of public safety that would be out of the licensees control when patrons access the area to attend the premises.

There is also reference to the training at all levels given to staff to ensure understanding and implementation of the venue's specific dispersal procedure. This was not evident in the submission of the application.

I make reference to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003, namely:

Public Safety

2.7 License holders have a responsibility to ensure the safety of those using their premises, as part of the duties under the 2003 Act.

2.8 A number of matters should be considered in relation to Public Safety. These may include

Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transportation)

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and*
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.*

Whilst the applicant has tried to address some of the issues in their application the unsuitability of the location for this venue is the overwhelming factor.

In conclusion this application should be refused on Public Safety grounds having full regard to the unsuitability of the location of the proposed premises for the reasons stated above.

If I can provide any additional information please do not hesitate to contact me.

Yours sincerely

Rachel Loosemore
Swyddog Trwyddedu
Licensing Officer

Appendix D

Other persons representations

Cllr Hale Electoral Ward – St Thomas

Linda Summons also representing eleven residents of Bevans Row

From: Hale, Joe (Councillor) <Cllr.Joe.Hale@swansea.gov.uk>
Sent: 07 January 2019 11:22
Subject: Re: Depot

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Charles.

After looking at the application in detail i do have concerns regarding visitors to this proposed site being able to access this site in a safe manner. bearing in mind it is at the far end of a busy industrial site. The entrance has no noticeable footpath to distinguish it from the roadway. The only exits are again said road or a side gate onto fabian way. given the late finish of proposed events i believe we could have major issues of noise and disturbance for residents of Sa1 ,bevans row and Port Tennant.
Regards.
Joe.

Get [Outlook for Android](#)

From: Gabe, Charles
Sent: Thursday, December 20, 2018 11:11:38 AM

Subject: Depot

A new premises licence application has been made by
Eventile Limited, The Depot, Dumballs Road, Cardiff. CF10 5FE
For the premises
Depot, Langdon Road, Port Tennant, Swansea. SA1 8PB
The licensable activities are
Plays Monday to Sunday 10:00 – 00:00hrs
Films Monday to Sunday 10:00 – 00:00hrs
Indoor Sporting Events Monday to Sunday 10:00 – 00:00hrs
Boxing, Wrestling Monday to Sunday 10:00 – 00:00hrs
Live Music Monday to Sunday 10:00 – 00:00hrs
Recorded Music Monday to Sunday 10:00 – 00:00hrs
Performance of Dance Monday to Sunday 10:00 – 00:00hrs
Anything similar to e, f or g above Monday to Sunday 10:00 – 00:00hrs
Late night refreshment Monday to Sunday 23:00 – 00:30hrs
Supply of Alcohol Monday to Sunday 10:00 – 00:00hrs

Any representations are to be made in writing by 15th January 2019
If you require any further information please contact me on the details below.
Regards,

Charles

Charles Gabe
Swyddog Trwyddedu/Licensing Officer.

**Dinas a Sir Abertawe/City and County of Swansea.
01792 635600**

*Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.
We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.*

A wnewch chi ystyried yr amgylchedd cyn argraffu'r neges hon.
Please consider the environment before printing this e-mail.



REPRESENTATION

Below is a response from residents of Bevans Row SA1 8PB:

Ref: Licensing Application The Depot. (Planning Application No 2018/2249/FUL)

This statement is a response to the above application applying the four licensing objectives.

Public Safety:

There is no defined pedestrian access within the commercial area leading to the proposed development. The one other pedestrian entry point is via a gateway on Fabian Way. Due to the high flow and speed of traffic on this highway during operating hours, it presents a high risk to public safety within the confined area and the public highway.

The Prevention of Crime and Disorder & Public Nuisance:

The main access point runs parallel to the residential properties of Bevans Row. With the extended hours of selling alcohol and the requested time period of trading i.e. from a.m. into the early hours of the following morning over seven days a week; there is a high possibility of significant public nuisance and disorder in close proximity to residential properties.

Research into the effects of alcohol on human behaviour are well documented.

No amount of mitigation against noise levels from the venue can have any influence over alcohol fuelled anti-social behaviour whilst exiting the surrounding area during the proposed hours. There is the potential that disturbances will occur on a regular basis and therefore, may require sustainable police involvement.

The Protection of children from harm:

Adjacent to this proposal is a facility which attracts younger members of the public. Due to the limitations in accessing this area due consideration should be given to this area of concern.