

Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

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

UDP - HC2 - Urban Infill Housing

Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (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)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV20 - New Dwellings in the Countryside

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV22 - Countryside General Policy

The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:

- i) The control of development, and
 - ii) Practical management and improvement measures.
- (City & County of Swansea Unitary Development Plan 2008)

UDP - EV28 - Sites of Local Importance

Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS10 - Traffic Management and Highway Safety

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

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)

Site History

App Number	Proposal	Status	Decision Date
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2017/0986/FUL	Construction of 80 no. residential units with associated access and landscaping	PDE	
2016/1747	Demolition of former Civic Centre and ancillary buildings (application for the Prior Notification of Proposed Demolition)	PARE Q	30.09.2016

BACKGROUND

This application is being reported to Planning Committee as it is a departure from the Unitary Development Plan currently in force and exceeds the threshold for applications to be reported to committee.

The City and County of Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016. The UDP however remains the extant development plan for the Council. However, the LDP is currently under examination and it is anticipated that it will be adopted in Autumn 2018.

This site is allocated for residential development for approximately 80 dwellings in the LDP.

The Welsh Ministers have received a 'call in' request on this application which is currently under consideration.

RESPONSE TO CONSULTATIONS

The application has been advertised by way of FOUR site notices (located at the site entrance, Oak Way, Elm Crescent and at the visitor centre of the Penllergaer Trust car park) and by a press notice as a "departure application" on 12th June 2017.

FORTY-ONE letters have been received supporting the scheme.

TEN OBJECTION LETTERS has been received. The concerns raised are summarised below:

- * Our property is directly adjacent to the site separated by a wooden fence. New build work so close to our property will affect an already barely adequate drainage system;
- * Any access pathway for residents through Oak Way into Parc Penllergaer would be unacceptable as a direct connection to Penllergaer amenities and public transport;
- * Development of a pedestrian route into Parc Penllergaer will increase noise pollution within the cul de sacs of the Parc Penllergaer estate, potentially leading to increased crime levels and congestion;
- * The proposed development is to be on a Grade II listed site. Building houses will lead to unnecessary destruction of mature woodland rather than to utilise the space for less intensive development;
- * This area should be used for recreational purposes and be incorporated into and compliment the Penllergare Valley Woods project. This in turn would boost tourism in the North Swansea area as a UK wide historic site with easy access from the M4;
- * There has never been any housing on this site and enough housing projects are being processed in this area already, therefore another would further add a burden to the already stretched local services i.e. water, waste, sewerage etc.;

- * There is nothing in the Transport Statement accompanying the application about meeting the requirements of the Active Travel (Wales) Act. This places obligations on local authorities and developers to consider routes for pedestrians and cyclists;
- * The Active Travel Guidelines cover a number of specific topics which suggest that a pedestrian link from the development site, along the A48, across the A483 and continuing along the A48 into Penllergaer does not meet the criteria for an Active Travel Route;
- * The only safe route from the development site to the centre of Penllergaer would be via Parc Penllergaer, across the A483 at the existing controlled crossing and down Swansea Road. That said the A48 route is bound to be regarded as the logical and direct route to Penllergaer (particularly teenagers wanting access to the Village Sports field and young adults wanting a night out at the Old Inn);
- * A pedestrian controlled light at the existing uncontrolled A483 crossing would not be feasible as halting the traffic for pedestrians to cross would impact on the entire gyratory roundabout and feeder roads, with substantial impacts on traffic flow, queuing and driver/vehicle safety;
- * For this reason alone, the entire development site is totally unsuitable for houses, but would make an ideal location for a hotel, sports club/leisure centre, private hospital, residential/old people's care home or surprise surprise a headquarters type office block;
- * With local authorities likely to be required to work more collaboratively and pool resources a local government office serving Neath/Port Talbot, Swansea and Llanelli would be highly suitable in that location because of its central location and easy access to the motorway. Why on earth was the modern office block demolished so hastily?;
- * In addition to the above a separate objection has been submitted in respect of suggested errors in the Transport Statement and that the Transport Statement should not be used to justify the housing development as many of its statements are factually incorrect and do not support the report's conclusions. No case has been made to support housing at this location and the application should be refused.

Penllergare Trust - Raise concern with regards to the inclusion of a number of pathways linking the development to the Valley Woods in terms of on-going maintenance, impact on trees and access to the woods. Concerns are also raised with regards to the boundary and proximity the large Monkey Puzzle tree in the SW corner of the site and the proximity of plot 58.

Penllergaer Gardening Club - Object to the application as the site is very important (RHP&G, SAM and LB) and it would be totally destroyed. Such landscapes should be preserved for future generations. Garden is an example of the Romantic Landscape movement in the 19th century and is unusual in that there are numerous contemporary photographs which are guiding the restoration work. Concern that John Dillwyn Llewelyn's legacy will be lost. Penllergare Valley Woods is 7th on Trip Advisor of things to do when visiting Swansea which shows the importance of this visitor attraction and tourism potential. A balance can be struck between appropriate development which can enhance an area and its historical setting - this proposal does not do that and should be refused.

Cllr Wendy Fitzgerald (Ward Member) - I wish to register my objections to the proposed housing development of this site which is part of a Grade II Listed Landscape, Park and Garden and contains a Grade II* Listed Building which is also a Scheduled Ancient Monument:

- Development is contrary to extant planning policies;
- Failure to comply with Active Travel Plan Guidance; The site is remote from the centre of Penllergaer and a substantial safe walking distance from community facilities such as the primary school, sports field, corner shop, village hall, pub and church. The site will be car dependent for all essential journeys and will increase pressure on J47 and the Penllergaer roundabout both of which are operating over-capacity at peak morning periods;

- Inaccuracies in Design and Access Statement in respect of bus services;
- The footpath link through Parc Penllergaer is indicated to facilitate connectivity between sites and the wider area but the distances involved will ensure the site remains primarily car dependent and therefore non-compliant in respect of an Active Travel Plan;
- Impact on Heritage Landscape: The landscape setting, which still contained visible remnants of the old mansion gardens before demolition of the Civic offices, is going to be largely destroyed, with 80 dwellings surrounding the Equatorial Observatory, replacing a single building;
- The Observatory, constructed in the mid-19th century, is of exceptional significance as a very rare example of this building type and as the scientific achievement of one man. The intention is to gift the land surrounding the Observatory to the Trust. However, it is repeatedly described as a 'Village Green'. In no way should this area be regarded as a recreational space for children's ball games;
- There is little consideration as to the negative impact the housing development will have on the wider landscape of Valley Woods. A solid boundary of mature trees should thus be retained between the development site and Valley Woods but there is no evidence that this is the case. The green belt of mature trees that separates the site from Parc Penllergaer to the south will be lost; impacting on wildlife and turning a green, semi-rural landscape into a suburban one;
- Parking spaces are laid out so cars are parked one behind another. This will inevitably lead to a situation where roads are littered with parked cars. This has happened at Parc Penderri. The most recent development in Penllergaer and will be detrimental to the landscape generally and in particular to the access road itself which also provides access to the car park for Valley Woods;
- Some houses will not be on the mains system and will remain private in terms of sewerage disposal. It is not clear why this is the case and what guarantees are in place to ensure that there are no contaminated flows into Valley Woods;
- Any increase in surface water flows could negatively impact on the lakes and waterways in Valley Woods.

In conclusion development on this site is contrary to extant policy and will have a significant and irreversible detrimental impact on the Grade 2 Listed Landscape, Park and Garden and the SAM Equatorial Observatory. The site is unsustainable in respect of an Active Travel Plan and will be car dependent. The application should be refused.

Penllergaer Community Council - The Council is opposed to this development which is on the site of a Grade II listed landscaped park and garden and includes the observatory which is also a Grade II listed building. The site is of great importance to the heritage of Penllergaer which will be destroyed following the construction of this proposed development. It is clear from the plans that there is no pedestrian access to the village of Penllergaer and therefore residents will be car dependent adding congestion to the already gridlocked Junction 47.

Welsh Historic Gardens Trust - The West Glamorgan Branch of the WHGT wish to offer the following observations and objections.

- The rare Equatorial Observatory will have an enhanced setting and become a focal point of the new development, a great improvement on its current setting. The Observatory will in effect act as a sort of roundabout and old photographs show a curving drive around the building and the new roads reflect this;
- Traffic impact could damage the roots of mature trees and an appropriate Tree Protection Plan should be used not only near the Observatory but elsewhere within the site;
- The green area should not be used for boisterous ball games. There should be an agreement between the developer and the Penllergaer Trust regarding the management of this area which should be fenced or new perimeter planting considered;

- We welcome the proposal that the Observatory and surrounding land be "Gifted" to the Trust and there should be a legally binding agreement to preserve the right of way as we believe that connectivity between the Observatory and Valley Woods is essential;
- Contradiction in reports in respect of archaeological potential throughout the site. Archaeological potential is highest around the Observatory with the remains of estate fencing and embankment nearby. Archaeological investigations should be carried out in this area. Should the fencing be removed for any reason it must be recorded and photographed first.
- No reference to monkey puzzle trees in the Arboricultural Report. Heritage Report references three monkey puzzle trees which are important and should be retained;
- The proposal will encroach upon previously undeveloped areas of the registered park and garden. A reduction in the number of houses, as proposed in The Heritage Report would ensure keeping within the previously developed site and allow more historic planting to be retained, particularly in the triangular area in the south where the mansion was situated. This would have a mitigating effect on the visual impact on the historic parkland below.
- Additional planting of a sympathetic nature would further reduce the visual impact of the development from Valley Woods.
- We accept the site needs a new future and if the number of houses is reduced and heritage planting retained and protected, plus other concerns outlined above met with, it should be possible to ensure the physical and visual impacts on the Registered Park and Garden at Penllergare should be kept to a minimum.

Natural Resources (Wales) -

Ecology:

NRW initially raised concerns with regards to insufficient survey information to address the possible impact on dormice and Bats, European Protected Species, owing to the development encroaching north into Penbwl Woods. With respect to Bats, and following the submission of a bat report which concluded that bats were not using the trees on site which were previously identified as having bat roost potential, NRW has offered no further adverse comments and welcome the best practice procedures outlined within the 'Recommendation and Mitigation' and 'Method Statement' sections within the report.

The most recent comments are received in light of further information submitted and state: We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified regarding Dormouse a European Protected Species and we would not object provided you attach them to the planning permission.

Our comments are provided on the following:
 Dormouse Method statement (February 2018)
 Dormouse EPS Licence application

Presence has been assumed, and we are satisfied that the dormouse mitigation strategy has sufficiently demonstrated that there is suitable, and a sufficient amount of habitat being maintained/provided, which is connected to habitats off site and which will be appropriately managed.

In this respect we request that the enhancement, mitigation and compensation detailed within the above report is captured in a suitably worded condition, applied to any permission granted.

[N.B. The Mitigation Strategy has subsequently been amended and NRW re-consulted on this aspect again as clarified later on in the report. Any additional comments will be reported verbally at Planning Committee]

Foul & Surface Water Drainage

In respect of drainage NRW welcome the submission of the updated drainage strategy and note that it has confirmed that infiltration methods will not be feasible on site and that it is intended to dispose of foul water to the main sewerage system.

To accord with the terms and content of the MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment. NRW recommend that applications such as this are discussed with the Technical Advisors Group. The relevant details must then be recorded on your Authority's register of compensatory surface water disposal.

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system. To fulfil the requirements of Section 8.5 of Technical Advice Note 15 Development and Flood Risk, surface water run-off should be dealt with by way of a sustainable drainage system, to attenuate flows and prevent an increased risk of flooding in the catchment.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Dwr Cymru / Welsh Water (DCWW) - This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area.

A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a prerequisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore, we seek your Authority's co-operation in imposing the following condition to any grant of planning

Sewerage:

Condition:

No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.

Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected through the implementation of sustainable practices.

Advisory Notes:

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

We would like to make the developer aware that the proposed development is within close proximity to a public foul sewerage pumping station. We would like to advise the developer that no habitable buildings should be constructed within a 15 m vicinity of the pumping station as to minimise any effects of noise and odour nuisance.

Sewage Treatment:

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water Supply:

The proposed development is crossed by a 20 inch and a 160mm trunk watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be recharged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

CADW - We consider that there are inconsistencies in the supporting documentation accompanying the application (monkey puzzle trees, boundary treatment and archaeological potential). We also have concerns that the introduction of 80 dwellings, additional roads, associated street furniture and services into the historic park and garden is at odds with its historic design, layout and function and encroach onto previously undeveloped areas. A reduction in the number of proposed dwellings would mitigate these concerns.

Further Comments:

We have received and note the amended plans for this application, which appear to relate to house types and slight alteration to the layout. The more specific concerns that we raised in our previous comments do not appear to have been addressed: consideration to the reduction in the number of dwellings to mitigate the impact on the registered park and garden; the inconsistencies in the supporting documentation with regards to the registered park and garden; and a commitment to the management and maintenance of the public spaces in the long term to enhance the historic character of the registered park and garden and setting of the scheduled observatory.

Glamorgan Gwent Archaeological Trust - Have been consulted on this application but no comments have been received to date.

South Wales Police Design Out Crime Officer - Having reviewed the amended plans I am pleased that many of my observations have been acted upon. The only concerns I now have is in relation to the footpath that runs between plots 43 and 44 and the rear parking bays for plots 69-71. In respect of the footpath I would ask for it to be designed out if it is not needed. If it is remain it is at least be overlooked by plot 44.

In relation to the rear parking bays for plots 69-71 if they are to remain I would ask that this area be totally secure and the private driveway be protected by electronic gates at least 1.8m (ideally 2m) and walls/fencing or railings of the same height.

Council's Conservation & Design Manager - Originally expressed concern at the outset in terms of the number of units proposed which has been a significant challenge in terms of the heritage constraints of the site. However, the layout has been subsequently reviewed following extensive negotiations to address concerns and offers no objection to the scheme.

The current layout only works because development has been extended to the north into the young woodland. The outward facing aspects of some plots and the perimeter path are key elements of the place making approach to integrate into the visual context of the designated historic park and garden. The amended layout provides significant improvements in terms of the relationship of the observatory to adjacent Valley Woods in visual terms and in terms of increased connectivity. It is considered this adequately addresses previous concerns about visual severance. Revisions to focal elevations include the incorporation of natural stone to articulate key features of the dwellings that front on to the Observatory and the plots intended to replicate the mansion house.

Council's Head of Highways and Engineering - The application is for the construction of 80 units on the site that was formerly occupied by the Penllergaer Civic Centre and associated grounds. The site is allocated in the forthcoming Swansea LDP as a housing site. The site is located to the southeast of the M4 Junction 47. Access to the site is off an existing priority junction off the A48, and this arrangement is to be retained.

When the Penllergaer civic centre was operational the buses used to enter the site to pick up passengers. It is assumed that this arrangement will be re-commenced to serve the residential site if planning is granted and the site built out. Since the building was demolished buses continued to run along the A48 but no longer entered the site.

A pre-application enquiry was submitted in 2016/0978 regarding the development of the site and highways comments were made at that time. A Transport Statement has been submitted with the application to quantify the expected movements generated by the proposed development.

Using the TRICS database for comparable B1 (office use) then it was shown that in the a.m. peak (0800-0900) the movements were 117. In the p.m. peak (1700-1800) the flows were 107. The daily flows were 895.

For the proposed residential use of 80 units the figures were 36 in the a.m. peak with 42 in the p.m. peak and total daily flows of 345. It is therefore seen that the car trips are significantly lower with the proposed residential use than the existing office use. On that basis there is no justification to ask for any contribution towards the mitigation works being required for the junctions as identified as part of the Swansea Strategic Transport model.

In terms of non-car modes there will be a requirement to provide a sum of money to enhance the walking route from the site through to Parc Penllergaer for pedestrian/cycle usage and to enable safe access to Parc Penllergaer and the bus routes that run along the A483. The monies will also be put towards the upgrading of the crossing across the road on the A483 linking to the Swansea Road residential development and the facilities and school at Penllergaer. There is sufficient space within the existing infrastructure on the land at Oak Way to allow for a 4m combined cycle/pedestrian route to be installed at the applicants expense and this will need to be lit and drained in accordance with details to be submitted to the LPA for approval. There will also be the requirement to change the existing pedestrian crossing on the junction of Parc Penllergaer with the A483 to a toucan, the cost of this will be minor as the majority of the infrastructure is already in place. The cost of this is in the region of £3,000. The pedestrian link directly through from the proposed site to Parc Penllergaer will need careful consideration as currently it is shown as an indicative link only. An appropriately worded condition can be secured to that effect.

Given that the flows are significantly greater with the current office use than with the proposed residential use there is no justification to request any financial contributions to any works related to vehicular traffic, however as highlighted previously there are a number of items which will be required to be provided in order to encourage walking/cycling in the area.

In terms of site layout there is intermittent footway provision which may render parts of the site unsuitable for adoption. It is not clear as to whether or not the site will be offered up for adoption, but an appropriate condition can be added to cover this if a private management company is the preferred option.

In terms of parking the scheme broadly follows the adopted parking standards, as such the parking should be self-contained within the site with no overspill arising.

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

1. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;

- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

2. The upgrade of the footway/verge along one side of Oak Way to a shared use path to encourage walking/cycling in the area in accordance with details to be submitted for approval to the LPA, and works shall be undertaken under a Section 278 Agreement with the Highways Authority. Works to be in place prior to beneficial occupation of any of the units.

3. The payment of a sum of £3,000 to enable the existing crossing at the Parc Penllergaer/A483 Junction to be upgraded to a toucan crossing under a Section 106 Agreement. Payment to be made prior to beneficial occupation of any of the units.

4. Details to be submitted for approval regarding the maintenance of the visibility splays onto the A48 to ensure that adequate visibility is maintained for egressing vehicles, prior to any works commencing on site.

5. The details of the proposed pedestrian link to the South of the site shall be laid out and maintained as such in perpetuity, in accordance with details to be submitted for approval to the LPA, prior to beneficial occupation of any of the units.

6. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Council's Drainage Officer - Based on the updated Drainage Strategy Version 2 recommend the inclusion of the following conditions.

Condition 1: No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include the following:

* Details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network.

* Details on ownership, long-term adoption, access, management/maintenance scheme(s) and monitoring arrangements/responsibilities for the SW scheme and onsite culvert including easements.

* Supporting calculations for performance of the system up to and including the 1 in 100-year critical storm including a 30% allowance for climate change.

The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

Condition 2: The development shall not discharge to the watercourse network at any rate greater than 103l/s as detailed in the Drainage Strategy Report Version 2, dated October 2017.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

Condition 3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.

Informatives:

Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.

We have no issues with the indicated route of the diverted culvert, however where the route will run through back gardens/private land those owners will become the riparian owner/s of the system and responsible for the management and monitoring of the structure in perpetuity, an easement must be clearly marked showing where no development can take place i.e. extensions, sheds, decking, planting etc. to allow for future access/maintenance/replacement. This must be included in the deeds of those properties.

Council's Tree Officer - The site is heavily wooded with trees falling into three distinct categories:

- o Surrounding woodland;
- o Heritage trees linked to the original estate; and
- o Amenity planting probably planted when the site was developed.

The woodland can be further divided into two distinct areas, mature woodland which was part of the original estate and younger trees that have colonised after the construction of the Civic Centre. The woodland to the east of the site is protected by a woodland TPO (484) and some significant trees along the southern boundary are protected by individual TPOs (491). None of the trees within the site are protected by TPOs as the site was in Council ownership.

Following the receipt of amended plans these have on the whole not addressed my initial concerns, in respect of:

- no-dig design and impact on retained heritage trees in the amenity area including impact of alteration to culvert (within root protection area of a retained tree) needs further consideration.
- further information on levels needed to ensure important trees will not be affected and that no-dig design is feasible;
- concerns in respect of shading of units 19-25.

Further Comments on receipt of Amended Dormice Mitigation:

Further to my recent objection to the dormice mitigation strategy. The proposed changes in the most recent report to the area of mitigation, will allow the Council to retain some control over the felling of the trees protected by a TPO. As such subject to this amendment being accepted by interested parties I withdraw my objection.

Council's Ecology Officer - Initially raised concern that the scheme extends into previously undeveloped woodland (Penbwl Woods) and potential impact on dormice, a European Protected Species not assessed. The site is also a Site of Importance for Nature Conservation (SINC) NO: 205. The impacts of this development on the SINC need further consideration.

Woodland:

Some parts of the ancient woodland may be affected by the development.

Under the proposed layout approx. 2ha of SINC woodland will be lost permanently. SINCS are protected under UDP Policy EV28 which indicates that mitigation or compensation must be agreed for any loss of SINC designated habitat. Therefore any loss of woodland should be mitigated for within Penllergaer Valley Woods SINC. Potential mitigation measures have been discussed with the Penllergaer Trust. These measures would allow the restoration of native broadleaved woodland habitat through the control/removal of invasive species and the management of non-native tree species at various locations throughout the site. A S106 contribution to deliver this and enhancement measures is estimated at £70,000. This contribution is directly related to the extent of proposed woodland loss.

Lighting:

A lighting design scheme must be conditioned and approved prior to construction commencing. To minimise disturbance to wildlife, all lighting must be directed towards the ground and any lightspill into the surrounding woodland must be minimised.

Construction Phase:

A Construction Environmental Management Plan (CEMP) must be approved prior to construction commencing. It will include measures to protect wildlife and prevent pollution of water courses.

Further Comments on receipt of Amended Dormice Mitigation:

The first version of the Dormouse Method Statement was problematic because it involved using an area of woodland adjacent to the development site, outside the red line and blue line boundaries. The land, which is leased by the Penllergare Trust, is also subject to a different planning application, 2017/1260/FUL.

The first version was problematic for two reasons:

- No agreement had been made with the Penllergare Trust, who have a long-term lease for the land.
- If the other application were to be granted permission, the compensation area would be subject to significant physical disturbance during the construction period, and continued disturbance in the long-term due to the increased presence of humans and dogs. This disturbance is not consistent with a dormouse compensation area.

Although the Trust initially agreed to the MS, they changed their response after reading it carefully. Natural Resources Wales, who had been made fully aware of the ownership status and other application, initially recommended conditioning, but have subsequently claimed to be unaware of these factors.

After some discussion, a site visit was held in Penllergaer Valley Woods to agree an amended MS. Present were a representative from Penllergare Trust, the applicant's appointed ecologist, CCS Tree Officer, and CCS ecologist. An alternative compensation area was agreed, which is mainly comprised of very steep valley sides which will be free of all kinds of disturbance for the

foreseeable future. The use of this land was agreed at the time by the representative of the Penllergare Trust who has subsequently confirmed that the remaining members of the Trust agree in principle.

The second version of the DMS is therefore preferable to the original because it addresses these two main concerns.

Council's Environment Officer - The following Japanese Knotweed condition must be placed upon this application:

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

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

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

Council's Housing Enabling Officer - We would expect the provision of 30% Affordable Housing which equates to 24 units of the proposed 80. These units should be dispersed across the site in clusters.

We ask that the scheme would include a range of house types and mix of DQR compliant affordable housing to include social rent (42% ACG) , intermediate rent and sale (70% ACG) split of tenure to be determined/negotiated. The design and specification of the affordable units should be of equivalent quality to those used in the open market units.

Further Comments on receipt of revised site layout plan

The revised plan indicated 20% affordable housing (16 units) dispersed throughout the site with a 25:75 split between social:intermediate housing. This is acceptable to the Housing Department.

Council's Pollution Control Officer - No objection. Recommend the inclusion of the following informative notes:

1 Construction Noise

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

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

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

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

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

3 Dust Control:

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

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

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

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations

Council's Education Officer - The catchment area for this development is Penllergaer and the catchment schools are:

Catchment schools

English Medium Primary - Penllergaer Primary

Unfilled places Jan 2017	9
%	2.80

Unfilled places Sept 2023	15
%	4.67

English Medium Secondary – Pontarddulais Comprehensive

Unfilled places Jan 2017	16
%	2.00

Unfilled places Sept 2023	4
%	0.5

Welsh Medium Primary - YGG Pontybrenin

Unfilled places Jan 2017	7
%	1.48

Unfilled places Sept 2023	-43
%	-9.07

Welsh Medium Secondary - Ysgol Gyfun Gwyr

Unfilled places Jan 2017	227
%	21.06

Unfilled places Sept 2023	-139
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%

-12.89

Recommendation:

Primary:

* There is insufficient capacity (existing and projected), in both the English medium and Welsh medium primary schools for this development. The schools are currently, and projected to be, operating well under 10% surplus capacity and as such any increase in pupil population will further impact upon the operation, suitability, sufficiency and flexibility of the schools. There are also many previous commitments that have already had planning approval which will further impact on the primary schools allocated.

Secondary:

* There is insufficient capacity (existing and projected), in both the English medium and Welsh medium secondary schools for this development. The schools are projected to be operating well under 10% surplus capacity and as such any increase in pupil population will further impact upon the operation, suitability, sufficiency and flexibility of the schools. There are also a large number of existing commitments that have already had planning approval which will further impact on the secondary schools allocated.

Requested contribution:

Providing the information above, the request for contributions from this development is:

Primary:

English: request full contribution to the English Medium Primary School (22 pupils) - £228,184 plus inflation.

Welsh: Request 10.2% contribution to Welsh Medium Primary School (3 pupils) - £31,116 plus indexation.

Secondary;

Request 100% of the secondary allocation - (£285.264 plus indexation) to be split 89.8% Pontarddulais Comprehensive / 10.2% YG Gwyr.

Council's Parks Division - At the present time Parks have no comments or observations to make on the planning application. However if the Parks Department is requested to adopt/maintain the proposed recreation/open space area within the development we would insist on a Section 106 commuted sum contribution for future maintenance

APPRAISAL

Introduction

This application is being reported to Planning Committee for determination as it is a departure from the adopted Unitary Development Plan (2008). The Council are also the current landowners of the site. The application has been through several iterations and amendments have been sought throughout the planning application process following comments from several internal and external consultees.

Full planning permission is sought for the development of 80 no. residential units with associated access and landscaping on the site of the former Civic Centre Offices, Penllergaer. Of the 80 dwellings 16 are proposed to be for affordable housing (20%). The site is located to

the southeast of the M4 Junction 47. Access to the site is off an existing priority junction off the A48, and this arrangement is to be retained.

The Site

The application site comprises the former Civic Centre site at Penllergaer, Swansea. The site, which is an uneven and irregular shaped parcel of land measuring approx. 5.9ha, comprises of a largely undeveloped site characterised by large areas of woodland as well as the site of the former Civic Centre Offices.

The site boundaries are largely undefined and characterised by mature woodland in all directions. Beyond the woodland the A483 is located to the west of the site with the A48 to the north. A recent residential development, Parc Penllergaer is located to the south with Penllergaer Valley Woods situated to the east. The latter shares the site access onto the A48 and is managed by the Penllergaer Trust who ensures the protection of the site.

The site was last used as Local Authority offices initially for the former Lliw Valley Borough Council and subsequently for both Neath Port Talbot County Borough Council and the City and County of Swansea. The former offices, subsequently demolished, were located to the south of the site set in mature landscaped grounds, arranged over 3 floors together with a basement and detached caretakers lodge. Prior approval for the demolition of the offices was approved in October 2016 (application ref 2016/1747).

The former Civic Centres building and its associated developed land amounts to approximately 2.9ha. The remaining approximately 3ha towards the northern and north-eastern boundary comprises of undeveloped land with a dense coverage of trees, planted in the 1980s when the site was redeveloped. An access road runs through the site in a north-east to south-west direction. Vehicular movement associated with the previous use of the site accessed via this internal road.

The former Civic Centre site is designated as part of the Grade II Historic Park and Garden at Penllergaer. The park was laid out by John Dillwyn Llewellyn from 1833 onwards and included the Penllergaer mansion, the former 18th century residency of the Price family, walled gardens, lakes, waterfalls, picturesque features, trees and exotic planting, paths and drives. Located approx. 60m to the north-east of the former civic centre buildings is a former astronomical observatory and laboratory building built in 1846 to house a telescope for John Dillwyn Llewellyn (this is both a Scheduled Ancient Monument and a Listed Building).

The mansion house had been the family seat since the 16th century and remained in the family for generations until a change in ownership. Following the change in ownership the building was blown up on exercise by Territorials of the Royal Engineers in January 1961. Today only garden steps and remnants of the planting of the garden remain of the house but the landscape beyond remains substantially intact. In the woods to the south of the house are the remains of the Walled Garden and associated buildings.

Heritage Context

Together with its walled gardens and equatorial observatory, the site of the former Penllergaer Mansion and woodland is recognised as being of special importance to the national heritage. The garden and its setting is described by CADW as being the partial survivor of a very

important Picturesque and Romantic landscape of the mid-19th century and is a Grade II listed Historic Park and Garden (PGW(GM)54(SWA)).

The observatory and laboratory building which was built in 1846 to house a telescope for John Dillwyn Llewelyn of Penllergaer Mansion and is Grade II* listed. It is also a Scheduled Ancient Monument (SAM) (GM410). The observatory was partially restored by Lliw Valley Borough Council, using modern techniques and materials in 1981. The internal fittings, including the telescope, were stripped out when the contents of the house were sold in 1936.

The observatory comprises a windowless cylindrical tower of tolled, yellow squared stone with C20 metal-clad cylinder above. The laboratory is a single room with slate roof and terracotta-block walls with one window along its northern and southern elevation and a door towards the centre of the latter. The observatory has been designated as a Grade II listed building as it is an extremely rare example of a mid C19 private observatory; the only other example in Wales is the partly ruinous observatory at Hakin, Milford Haven. The Observatory had fallen into disrepair, suffering from inadequate maintenance, made worse by the ingress of damp and over-arching trees. The use of inappropriate materials during previous works added to the problem. Some woodland within the site also is classified as being Ancient Semi-Natural Woodland.

The park deteriorated from the 1920s onwards and there is now a successful community project spearheaded by the Penllergaer Trust which is restoring the park supported by the Heritage Lottery Fund. This restoration includes dredging the lakes, restoring landscape features such as the cascades and bridges, reopening historic paths and clearing back invasive vegetation. There is a new car park and cafe off the road leading to the former civic centre site. The park is now well used by the public.

Marketing and Disposal of Site

The City and County of Swansea confirmed the intention to dispose of the building and associated land as it was deemed surplus to operational requirements. Prior to the granting of a prior notification application for the demolition of the former Civic Centre, a marketing process for the sale of the site was undertaken co-ordinated by the Council's Corporate Property section.

The Council appointed Lambert Smith Hampton (LSH) as specialist property marketing agents. A marketing package was prepared to include a brochure together with a technical information package. A high-profile advertising campaign was undertaken including adverts in the local, regional and national specialist press. LSH undertook bespoke targeted marketing at all known property requirements. The site was also published on the Council's website under its property availability heading. The Welsh Government were notified for any potential strategic requirements and the site's availability was published on the Welsh Government's EPIMS public sector land availability website for all public sector bodies to be made aware.

The property advertising generated several preliminary enquiries predominantly from other agents and housebuilders. There was however, only one single tentative enquiry from an 'office user'; however, following the sending of marketing particulars this was never progressed by the enquirer and no viewing took place. No further enquiries from officer users or other entities were received. The only substantive enquiries came from house builders, including a small number of national and local residential developers including the current applicant.

Main Issues

The main issues for consideration with regard to this application relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, impact on the site of the Historic Park and Garden and its setting, impact on the setting of the Scheduled Ancient Monument & listed building, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impact on trees, ecology, drainage and environmental interests with regard to the provisions of Policies EV1, EV2, EV3, EV6, EV11, EV20, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, AS1, AS2, AS5 AS6, AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites. There are no overriding issues for consideration under the provisions of the Human Rights Act.

Policy - Principle of Development

The City and County of Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016. The UDP however remains the extant development plan for the Council and, under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must be made in accordance with the UDP unless material considerations indicate otherwise. Given the time expired nature of the UDP, such material considerations include circumstances where new national planning guidance or policy is at variance with or contradicts UDP policy and, in certain cases, where new robust evidence and/or significant changes in circumstance undermine the basis upon which UDP policy was originally formulated. Therefore, whilst the UDP must be the starting point for decision making, given the Plan's time expired status, in this instance it is appropriate to consider the unique circumstances that apply in the case of this application to resolve whether any departure from UDP policy can be considered justifiable.

Policies EV18 and EV20 are not considered applicable as this is not a rural exception site proposed for affordable housing to meet an identified need and the proposal is not for persons primarily employed in agriculture, forestry or an appropriate rural use. Both National and development plan policy (EV22) aims to safeguard the countryside for its natural heritage, environment and recreational value.

Having regard to the above UDP planning framework, it is clear that the proposal is contrary to the extant development plan, being located outside the defined settlement boundary within the open countryside. The application must therefore be considered as a departure to the UDP. However, it must also be acknowledged that the site is partly previously developed land and in this respect is broadly in line with PPW guidance which seeks to ensure that previously developed land is used in preference to greenfield sites (Para 9.2.6 PPW). PPW also acknowledges that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application (Para 6.5.26 PPW). There should also be a general presumption in favour of the preservation of a listed building and its setting, and for any development affected a listed building or its setting the primary material consideration is the statutory requirement to have regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possess (Para 6.5.11 PPW).

The following analysis considers the special circumstances that apply in this case relating to other Council approved and emerging policy.

Para 2.8.1 of PPW states that the weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is 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 delivers the binding report.

As clarified in a recent appeal decision (Ref: APP/K6920/A/15/3137884) by the Inspector (the PINS Director of Wales), the LDP Manual states that the deposit plan 'should be considered by the LPA as the version it intends to submit for examination and, later, to adopt'. The Council has submitted the plan for examination and must, therefore, consider the emerging Plan and the allocations contained within it to be sound. In this regard, some weight (albeit limited) is to be given to the allocation within the emerging plan.

The Council has approved a Developer Guidance document relating to Planning Applications For Non-householder Residential Development. The document sets out the Council's strategy for determining departure applications and provides for an approved mechanism to prioritise certain 'departure sites' above others in the interests of addressing the current shortfall in housing land and delivering affordable housing. The Council's latest (1st April 2016) Joint Housing Land Availability Study (JHLAS) confirms that there is a 3.2 year housing land supply, which evidently falls below the requirement set out in TAN1 (JHLAS) for every local authority to maintain a 5-year supply of readily developable housing land.

Paragraph 4.3 of the Developer Guidance document is clear that priority is focussed on Strategic Sites recommended for allocation in the Deposit LDP and identified in the approved LDP Preferred Strategy. Paragraph 4.7 states that "less priority" will be afforded to bringing forward smaller Non-Strategic sites which are located beyond UDP settlement boundaries. This is on the basis that such sites

- * Are less likely to deliver associated wider community facilities and highway improvement
- * would deliver fewer units than larger strategic sites
- * could divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites; and -
- * would require multiple releases to redress the shortfall."

However, the guidance also notes that the Council will take an evidenced approach and consider the merits of any planning application with full regard to the particular circumstances and planning issues. It states there may be circumstances when a small-scale site could provide a contribution to housing numbers that would not otherwise be secured by other strategic sites.

The Guidance states that such departure applications will need to demonstrate that the proposed development:

1. Is in-line with the emerging LDP;
2. Will deliver a meaningful and early contribution to meeting housing supply before adoption of the LDP and will not divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites;

3. Is sustainable, viable and will deliver any necessary social/economic benefits such as community facilities and highways improvements to make the development acceptable.

In this context it is therefore significant that the application site at Penllergaer Civic is allocated as a Non-Strategic Housing Site under Policy H1 of the Deposit LDP (Site Ref: H1:29) for approximately 80 dwellings. The allocation was made following a detailed assessment process and public consultation process undertaken for the LDP which determined that the site was in principle acceptable for residential development.

The site was subject to public consultation through the LDP process. It is important to note that the decision to allocate the site was made on the basis that the site is developed in accordance with the following development principle set out in Deposit LDP Policy H1, viz:

"The site should have Active Travel Links to the existing Penllergaer settlement across the A483 and also into the existing Parc Penllergaer development. The development must preserve or enhance the setting of the Penllergaer Historic Park as well as the setting of the observatory which is a scheduled ancient monument."

The ability of the development to have regard to the setting of the Historic Park and SAM, and into the existing Parc Penllergaer development are therefore essential elements to be considered. In respect of crossing the A483 it was evident from the outset that a crossing over the A483 would not be economically viable as part of this application. A footpath link is proposed in the southern portion of the site connecting it to the Parc Penllergaer development and wider community.

It is clear therefore that there is a Council approved mechanism in place to potentially allow a departure application at this location of this Non-Strategic Site allocation.

Notwithstanding this, the proposal must be appraised in its widest terms to determine whether it is appropriate having regard to all planning considerations. In this context, whilst the emerging LDP typically has very limited weight for determining planning applications, given the nature of the proposal it is considered that the allocation in the Deposit LDP of Site H1.29 should be a material consideration in considering the scheme.

The application has been appraised against the requirements of the Developer Guidance document with regard to the following:

* Scale of the development: The application is for 80 dwellings, and whilst this is not akin to the scale of the Strategic Development site allocations, it is important to note that the site is one of a handful of larger H1 allocations, the majority being under 50 dwellings. It is therefore considered that the site meets the requirements of the developer guidance document in terms of the ability to make a meaningful contribution to meeting housing supply.

* Development Principles of LDP Site H1.29: The Developer guidance document requires evidence of how the application is in line with the emerging LDP. The information provided by the applicant, particularly in terms of the evolution of the design of the proposal, demonstrates how the benefits required in the development principles upon which H1.29 is based (i.e. setting of Historic Park and SAM) will be delivered. A footpath is proposed linking through to Parc Penllergaer to link to the crossing further south on the A483. A S106 contribution of £3,000 is requested to upgrade the crossing to a toucan crossing.

* Conditions: The applicant is committed to undertaking works as soon as practically possible upon the grant of planning permission and discharge of conditions therein. To this end a condition to commence development within 1 year would be attached to any grant of consent.

* Timeline and Phasing: Departure applications must be able to demonstrate that the site will deliver "a meaningful and early contribution to meeting housing supply before adoption of the LDP". Para 5.6 of the Developer Guidance document is clear that the Housing and Infrastructure Delivery Statement "should clearly identify a timeline for the development and the expected start date, the relevant phasing of infrastructure, the annual completion rate, and the expected completion date for the whole development." The forecast is for the development's construction to begin in 2018/2019 and for development to proceed at 40 units per annum. It is anticipated that the site would be built out within 2 years of commencement. The adoption of the LDP is currently scheduled for the end of 2018. Clearly, completion of the scheme is not feasible prior to adoption of the LDP. However, the timeline makes clear the commitment to expedite the development in the most pragmatic timescale possible. The approval of the application would ensure that this site is able to make a contribution to the housing supply at the earliest opportunity in the plan period post adoption.

* Impact of the application on the delivery of Strategic Sites: The applicant is an established house builder with an intention to proceed with the development in the shorter term (anticipated that the site would be built out within 2 years of commencement). The applicant is not a national house builder and does not have any involvement in the any of the proposed strategic allocations. Approval of the planning application would not therefore prejudice any strategic site from coming forward by 'diverting resources'.

* Affordable Housing: The Developer Guidance document sets out the pressing need to deliver affordable housing to meet the identified shortfall and states that priority may be afforded to applications which are able to deliver housing to meet this need. The level of affordable housing to be provided is therefore an important consideration in providing justification of a departure from the UDP.

* Mitigation Method Statement: In exchange for the loss of approximately 1.8ha of woodland and associated habitats, a Method statement (amended April 2018) has been submitted which contains detailed methodologies for sensitive working during the pre-construction, enabling and construction phases. It includes a package of enhancement, mitigation and compensation to improve and extend the habitat for any potential dormice, a European Protected Species, on and adjacent to the application site. This will ensure that no significant negative effects on dormice will occur at any stage during and following the development works. NRW has accepted this approach and raised no objection to the original method statement. The Penllergare Trust also initially confirmed their agreement to the original method statement. Subsequent to this an amended method statement has been submitted (enlarged area of compensation). Members will be updated at Planning Committee on any additional comments raised in respect of the amended method statement.

The issue regarding the policy conflict and the weight to be given to the material considerations in this respect must be weighed in the planning balance along with all of the other issues that are considered further below before determining whether the principle is considered acceptable.

Design Evolution / Heritage Issues / Layout

The submission of this application followed a formal pre-application enquiry and ongoing dialogue with the Local Planning Authority. The original submission saw development focussed almost exclusively upon the southern previously developed section of the site and a high density of development of this area. Based on the constraints and opportunities, the initial concept plan was prepared to try and help move the scheme forward.

A clear primary issue for consideration relates to the impact of the proposal upon the historic park setting and Grade II* listed SAM within the site. Moreover, the quality and maturity of trees on site comprise a significant constraint in respect of the developable area with a strong preference for retention but also a need to ensure that any scheme is deemed economically viable.

The site's setting within a Historic Park and Garden must ensure that any development is sympathetic to its historical context, but this also presents a significant and unique opportunity to provide a high-quality development, in an area close to excellent transport networks and which makes the most of the exceptional views and natural landscape.

Concerns have been raised by CADW, the Welsh Historic Gardens Trust, Penllergaer Community Council, the local Ward Member, the gardening club and local residents in terms of the impact on these designated heritage assets. These comments are outlined in the preceding section of the report.

The location of the Grade II* listed SAM, located centrally within the site provides an opportunity to maximise its potential and ensure its setting is improved as a focal point of the redevelopment.

Furthermore, the existing road network within the site provides an opportunity in respect of the layout of the scheme and location of the majority of dwellings. In addition given the existing poor connectivity of the proposal to neighbouring residential development the scheme provides an opportunity to significantly enhance the relationship of the site to those neighbouring it.

It is acknowledged that CADW has continued to express concerns with regards to the amount of development, in that it is extending beyond the former footprint of the Civic Centre, but the developer has not amended the scheme to reduce the number of units. As a consequence of these concerns, which were echoed by the Conservation and Urban Design team leader in terms of heritage context, design and layout, key recommendations for the development of the site from the LPA included:

- Outward facing layout with house frontages facing the park woodland on all sides with a perimeter informal lane or footpath;
- The site of the former Penllergaer mansion could be marked by a pair of large units that mimic the appearance of the mansion elevation;
- Internal streets follow historic routes such as reinstating the drive running around the west side of the observatory (the reinstatement of the original drive alignment is an enhancement necessary to offset the potential loss of openness to the setting of the observatory resulting from the housing development);
- The new pedestrian link along the northern boundary should correspond to the route of the original drive to Penllergaer village;
- Internal streets should meet the eastern boundary to coincide with existing/historic access points into the park;
- Formalisation of the footpath to the Parc Penllergaer development;

- Retention of and visual and physical link between park and observatory with observatory a focal point overlooked by house frontages;
- Streets within the site are to be faced and overlooked by house frontages;
- Retain existing stream as landscape feature and drainage provision.

Following on from the above comments a number of alterations were carried out and the design of the scheme has evolved through several stages. The key driver for the overall design philosophy was to seek to improve the setting of the Grade II* listed and Scheduled Observatory. This has been achieved by the creation of an open meadow area around the Observatory incorporating a number of significant trees. This improves the setting as a focal point at the heart of the development and is a significant positive element of the scheme as noted by CADW and the Welsh Historic Gardens Trust. The layout has therefore been amended to a less dense development which whilst encroaching further into the historic park than originally envisioned, has resulted in a more spacious layout for the site that better reflects the setting of the site and provides further positive elements.

The green space around the observatory has been created by expanding the development area into the treed area to the north. This area is also covered by the historic park designation but map regression shows that this area was originally open fields. The amended proposal has also provided significant improvements in terms of the relationship of the observatory to adjacent Valley Woods in visual terms and in terms of increased connectivity.

Ultimately however, it is of note that CADW has not formally objected to the proposal. The Council's Urban Design and Conservation Officer has not objected following the revisions, and the encroachment of the developable area into this area is considered justified, on balance, and off set in order to improve the setting of the Observatory whilst maintaining a level of development in line with the aspirations of the LDP. The areas of the woodland to be removed are generally young as the site had extensive clearance during the construction of the Civic Centre. Furthermore, a package of habitat enhancement, mitigation and compensation is proposed to offset the loss of this area of woodland to the development.

In order to improve permeability and create a useable and safe pedestrian link from the development to the village of Penllergaer a link into the adjoining Parc Penllergaer housing estate has been created to the south of the site (this ties in with the site's allocation in the LDP). A further change has been introduced through the creation of a link due east of the green between plots 71 and 72 to reconnect the Observatory visually with the Penllergaer Valley Woods.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that when considering development which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this instance, it is considered that the setting is not only preserved, but is enhanced significantly and this requirement has been achieved.

Whilst no comments have been received from GGAT it is considered prudent, given the heritage constraints of the site, to attach a condition requiring the submission of an archaeology watching brief during the course of works to record any below-ground archaeological remains that may be disturbed during development of the site.

Amount of Development

The number of dwellings proposed across the site is largely compatible with recent residential developments in the surrounding area (at a density of approx. 24.7 dwellings per hectare). Furthermore it is acknowledged that due to the site's constraints, in the form of the historic park and garden and the SAM, the overdevelopment of the site would diminish their value. Accordingly, it is considered the scheme as submitted makes an efficient use of the land in accordance with the forthcoming LDP allocation of the site as suitable for 80 units and is largely proportionate to the scale of recent developments in the surrounding area. The Residential Design Guide seeks 35 dwellings per hectare on average but this amount of development would not be considered appropriate within this heritage setting. The proposed density is therefore considered acceptable in this location.

Scale

The scheme has been designed to be to 2/2.5 storey heights which largely reflects the wider built context, particularly the development to the south of the site. It is considered that the scale of development will not negatively impact upon the heritage features of the site. Dwellings have been consciously located away from the observatory building in order to minimise impact. The site is largely screened from the public domain to the north, south and west by existing trees but would be visible from within the historic park in close views.

The previous office building that occupied the site was a single large monolithic structure of larger scale than the dwellings proposed. It is accepted that the site needs a new future and the natural enclosure that exists offers the opportunity to deliver a discreet new development that would not, it is considered, have a detrimental impact on the character of the area.

Layout

As indicated above, the layout of the proposed development has arisen and been radically modified following on-going negotiations with Council officers. The proposal is largely underpinned by the vision to create a residential development of high quality which provides a well-connected layout and maximises the efficient use of the land whilst respecting the historical and nature features presented at the site.

The houses are largely arranged with a focus on the existing spine road within the site, strong building frontages, with key buildings at focal locations to enhance its character and sense of place. Further to the above, the dwellings are arranged in order to maximise the potential created by the introduction of the area of open space centrally within the site, ensuring a high level of natural surveillance whilst also enhancing the setting of the Observatory and creating a focal landmark. The layout also facilitates easy access should any future maintenance of the observatory be required.

The larger five-bedroom dwellings are strategically positioned along the site's eastern periphery on the footprint of the former Mansion House and are designed to have an aesthetic/visual appearance that makes reference to it (plots 69-71). The layout also allows for the successful retention and integration of several high quality trees either within prominent communal areas, such as the area of open space, or via the allocation of gardens and in strategic locations within the site.

At the south-western portion of the site a pedestrian link is to be provided in order to enable a direct walkway to the neighbouring residential development and to facilitate connectivity between the site and the wider area including central Penllergaer.

With the setting of the observatory much improved there is a clear need to create a visual link to the main park. This is achieved by a visual/green link that connects the proposed meadow around the observatory and main area of the historic park between plots 71 and 72.

It is acknowledged that CADW still has remaining concerns in respect of the overall scheme, in that the development which extends into the Historic Park and Garden is at odds with its historic design, layout and function and encroaches into previously undeveloped areas. However, it is considered the close collaborative working relationship between the LPA and the applicant has generated a scheme which it is considered significantly enhances the setting of the SAM and whilst it is acknowledged the scheme encroaches into woodland this has to be balanced against the overall benefits of the scheme. These aspects include:

- The previous vistas from the garden into Penllergaer Woods to the east have been retained;
- previous route ways have been incorporated into the development layout where they were previously lost as a result of the office development;
- The footprint of the demolished mansion house has been rediscovered and used as a setting for the new built form elements;
- Any encroachment onto previously developed land has allowed key heritage trees to be retained within the layout and the setting of the SAM significantly enhanced;
- The function of the garden/park had been significantly compromised by the previous Civic Centre and the proposed scheme is a significant enhancement

The SW Police Designing Out Crime Officer does not object to the proposals and is generally supportive of the layout as the parking areas/public spaces are overlooked. He has raised concern with regards to the connecting footpath to the south but this provides active connection to Parc Penllergaer and is overlooked by plot 44. With respect to the rear parking for plots 69-71 it is considered this area would be sufficiently overlooked and it is not considered necessary to request the inclusion of electronic gates at the entrance to this private driveway.

Appearance and Materials

The proposed dwellings have been designed to reference the historical past of the site in terms of both design and external materials. The proposed dwellings will incorporate a schedule of high quality materials including bricked facades and UPVC sash windows. Natural stone would be used to articulate key features of the dwellings that front on to the Observatory and on the plots that are intended to replicate the mansion house. The treatment of ancillary elements has also been carefully considered including cycle parking and recycling /reuse storage which are an integral part of the scheme.

In terms of the long term commitment to the management and maintenance of the public spaces to enhance the historic character of the registered park and garden and setting of the scheduled observatory, these areas in addition to several other areas within the site will be legally transferred to the Penllergare Trust for their upkeep going forward upon planning permission being granted.

Overall it is considered that the scale, form, massing, layout and design are considered appropriate to the local setting. In this respect, the proposal provides a continuation of the

residential context, within this area of Penllergaer and enhances the local vernacular through use of complementary materials, whilst enhancing the historical and natural features of the site.

On balance, the proposal is considered to represent a satisfactory form of development in terms of its impacts upon the character and appearance of the area and on the setting of the Historic Park and Garden and SAM. The layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policies EV1, EV2, EV6, EV11 and HC2 of the UDP and the SPG - Places to Live: Residential Design Guide.

Residential Amenity

In terms of residential amenity impacts, the nature of the application site is such that there are a limited number of existing properties that immediately adjoin it to its southern boundary. The site is bounded to the north by the A48, to the east by Historic Woodland and to the west by the A483.

The existing residential houses located within the Parc Penllergaer development to the south are sited at a higher level, separated by existing area of woodland screening and sited a significant distance away from the proposed development. It is not considered there would be any material residential amenity impacts in terms of overlooking, overbearing or overshadowing impacts on the existing dwellings. Whilst concerns were raised about the potential increase of noise/ disturbance as a result of the link through from this development into Oak Way, it is not considered that there would be a significant increase in noise and disturbance on what is a public road in any event. The Police D.O.C.O has raised no issues in terms of increased crime, and it is considered that the increased use would provide increased natural surveillance in the area.

The layout of the proposed development ensures that all separation distances for back to back relationships accord with the minimum separation distances set out in the SPG - Places to Live: Residential Design, and all of the plots would have a standard 10m separation distance where first floor windows overlook neighbouring private amenity spaces. It is considered that all of the plots would have an acceptable sized private rear garden.

In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and would accord with the provisions of Policy EV1 of the UDP and the SPG - Places to Live: Residential Design Guide.

Transportation and Highway Safety

In terms of vehicular access, the existing spine road will be maintained and enhanced, providing the opportunity for the layout to be focused in part on the existing road network within the site. The internal road would partly re-establish the drive that was previously in place, which ran to the west of the observatory and curve around its southern side.

In order to provide a focal area of open space the internal road would not immediately abut the observatory; however it would encircle it with all other roads and private drives branching off this road formation, thus enhancing its aesthetic and communal value.

Furthermore, the use of the existing road network and provision of a large area of soft landscaping towards the centre of the site would enhance its character when compared with the former use as Council offices. Given the sensitivity of the site, a more informal approach to the

street design is used as it is not considered appropriate to apply standard highway designs to this sensitive site nor to provide excessive visitor parking which would compromise the green meadow as the focal point of the site.

The site is not proposed to be offered up for adoption with a private management company the preferred option with future management / maintenance to be controlled via condition. In terms of parking the scheme broadly follows the adopted parking standards, as such the parking should be self-contained within the site with no overspill arising. Concerns raised about tandem parking have been given limited weight as it is an acceptable approach to parking within a residential area and is preferred to complete frontage parking in visual terms.

A Transport Statement has been submitted with the application to quantify the expected movements generated by the proposed development. This illustrates that the proposed development is predicted to result in a significant reduction in daily vehicle trip generation when compared to that of the previous office use. On that basis the Council's Head of Transportation and Engineering has advised that there is no justification to ask for any contributions towards mitigation works related to vehicular traffic.

In respect of public transport, the nearest bus stops are located approx. 500m away from the site on the A483 (equating to an approximate 6 minute walk). It is however noted that when the Penllergaer civic centre was operational buses used to enter the site to pick up passengers. It is possible that this arrangement will be re-commenced to serve the residential site if planning is granted and the site built out. Since the building was demolished buses continued to run along the A48 but no longer enter the site.

The Head of Highways has recommended the submission of details regarding the maintenance of the visibility splays onto the A48. However, it has to be recognised that this route had been utilised as an access by the former civic centre previously and is the access to the Historic Park and Garden. Visibility appears to be acceptable each way (behind the adopted footpaths) and on this basis, the request for the submission of further details is not considered necessary. Moreover, these areas are also outside the applicant's area of control.

The Local Ward Member and residents have raised concerns with regards to active travel links to and from the site and the dependence on the car. In term of non-car modes a footpath link is proposed linking the site with the neighbouring residential development to the south of the site and to the wider Penllergaer community across the A483. The Council's Head of Highways and Transportation has requested a S106 obligation to upgrade the existing pedestrian crossing (via Parc Penllergaer) across the A483 linking to Swansea Road. The requested cost for this upgraded toucan crossing is in the region of £3000. As much of the infrastructure is already in place it is considered reasonable to request a S106 contribution for this upgrade to encourage increased cycling and pedestrian use. Whilst concerns have been raised with regards to active travel links back to Penllergaer and the dependence on the car, the proposal would provide links, albeit circuitous, providing residents with the option of walking or cycling if they wish. It should also be noted that the adjacent Valley Woods would provide excellent recreational links on the doorstep of the development. It must also be remembered that this site was previously developed and in this regard, any new proposed use would be car dependent to a degree.

The Head of Highways also considers that there is sufficient space within the existing infrastructure on the land at Oak Way (within the Parc Penllergaer estate) to allow for a 4m combined cycle/pedestrian route to be installed at the applicant's expense. However, on reviewing the location, and given that cyclists would have to travel on roads either side of the

section on the route through to the A483 it is not considered reasonable to request this upgrade as part of this planning application.

On balance therefore and subject to the imposition of conditions and a S106 obligation in respect of the upgrade of the existing pedestrian crossing across the A483 no highway objections are raised. On balance therefore the application is considered to be acceptable in respect of access and highway safety.

Trees

Given its setting, there are a number of high quality trees located throughout the site. To that end significant emphasis has been placed on maintaining the setting of the trees and the preservation of the higher quality trees on site whilst providing a balance in order to provide a sustainable and viable development.

The Arboricultural report submitted in support of the application is clear in its advice that the removal of the Category A and B trees is a requirement in order to facilitate the overall development. Many of these trees were planted in the 1980s when the site was redeveloped or have only grown since woodland/ground clearance occurred at the time. It is considered that through suitable compensatory tree planting this can be offset to an acceptable degree.

The development has proposed to retain a high proportion of the heritage trees that made up part of the former Penllergaer Estate. Of note is the retention of the specimen monkey puzzle tree in the south east corner and the large amenity meadow area which will provide the required space around the higher value heritage trees to ensure their future health is protected whilst providing a high amenity area to the development. The two other monkey puzzle trees (referred to in the Heritage Report) are located on the eastern side of the carriageway within the Penllergaer Valley woods and so will not be affected by the development.

Further to the above and specifically in respect of Root Protection Areas, with the installation of permanent no dig ground protection, no significant long term adverse impact is anticipated in respect of any of the retained tree root system or associated soil structure. Notwithstanding this the Council's Tree Officer has raised concerns that further information is required to demonstrate that the no-dig design is feasible. A condition is proposed to be included requiring the submission of details to ensure the important trees will be unaffected during the course of development (including road construction and drainage works).

The Tree Officer has also raised concern regarding shading particularly in respect of units 19-25 and had requested the removal of these units from the scheme. However, it is acknowledged that these units have been placed outside the root protection areas and canopy spread. Whilst efforts have been made to develop a layout which seeks to minimise tree loss and maximise the retention of heritage trees on site, on balance it is considered the proposal as submitted is acceptable and is unlikely to have an unacceptable adverse impact on the amenity of proposed residents that would warrant a reason for refusal on this issue.

Ecology

European Protected Species

It is acknowledged that the site layout has been amended during the course of the application with development encroaching north into the Penbwl Woods area. NRW indicated that further

survey work was needed to assess the possible impact on dormice and bats, European Protected species.

In respect of bats, a tree survey was undertaken consisting of a daytime "scoping" survey to ascertain use by bats (Tree Survey dated 28th September 2017 by I & G Ecological Consulting). During the inspection no bats or their signs were found in/on any of the trees that were identified as having most "potential".

The report recommends a number of bat measures to compensate for the "potential" loss of roosting opportunity and to provide site enhancement. NRW has offered no further adverse comments with regard to bats but note and welcome the best practice procedures outlined within the 'Recommendation and Mitigation' and 'Method Statement' sections within the report. A condition is proposed to be included ensuring development is carried out in accordance with the recommendations of the report.

With respect to dormice, both NRW and the Council's Ecology Officer have raised concerns that the woods contains suitable habitat for dormice and did initially request that further survey work be undertaken before any development takes place in this area. It is understood no dormice have been recorded within 2km of the site, tube surveys and nut searches for evidence of dormice were begun in Autumn 2017. No evidence was found and the surveys ceased.

A dormouse licence application and mitigation strategy has now been submitted, without any further dormouse surveys to be undertaken in 2018 based on the applicant undertaking a precautionary approach on the assumption that dormice are present. This is based upon the proviso by NRW that a Method Statement and accompanying EPS Licence application be submitted in support of the application.

Without mitigation, there will be short-term and long-term local impacts upon any residential dormice and their habitat:

- Short-term: noise, vibration, pollutants, dust, light, habitat disturbance and destruction;
- Long-term: habitat loss, fragmentation, noise, vibration, pollutants, light, disturbance.

The submitted Method Statement contains detailed procedures that will mitigate as much as possible against these impacts. Sensitive working methodologies are prescribed for the pre-construction enabling, construction and post-construction phases. A package of habitat enhancement, mitigation and compensation will be undertaken, to improve and extend habitat for the dormouse on and adjacent to the application site.

The five year mitigation strategy and plan includes:

- The installation and monitoring of 100 dormouse boxes;
- Coppicing, planting and managing approximately 3.6ha of woodland;
- Retention and significant enhancement of a 5m width corridor between southern Penbwl Wood and the adjacent Penllergaer Valley Woods;
- Sensitive working methods, including vegetation clearance;
- Monitoring of the habitat and dormouse population;
- All work that may impact dormice to be supervised by a qualified licensed ecologist;
- Compensation to be provided by funding the coppicing, planting and managing 3.6 ha on woodland in the adjacent Penllergaer Valley Woods. This is twice the area of habitat to be lost to the development.

NRW was satisfied with the approach that presence has been assumed, and satisfied that the dormouse mitigation strategy sufficiently demonstrated that there is suitable, and a sufficient amount of habitat being maintained/provided, which is connected to habitats off site and which will be appropriately managed. They did not object to the original mitigation strategy provided that a suitably worded condition is attached to any grant of consent to ensure the strategy is implemented accordingly.

As referenced in the consultee comments, the original Mitigation strategy proposed coppicing an area of the adjacent Valley Woods that is protected by a Tree Preservation Order and the Council's Tree Officer raised concerns due to the impact on trees. The mitigation area has subsequently been widened to include areas of the woods where there isn't significant tree coverage and the Tree Officer is agreeable to this revised approach. Similarly, the Council's Ecologist is agreeable to this approach.

Confirmation has been sought from NRW and Penllergare Trust that this approach is acceptable and Members will be updated at Planning Committee of any further comments received. Whilst the mitigation strategy relies on the use of adjacent land, the Penllergare Trust confirmed they were agreeable to the original mitigation proposals. On the basis that NRW and the Penllergare Trust considered the original mitigation acceptable, it is considered that a condition requiring the development to be undertaken in accordance with the Amended Dormice Mitigation strategy would ensure that the dormice were not adversely affected as a result of this proposal.

The Conservation of Habitats and Species Regulations 2010 and the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ("European Habitats Directive") place a duty on Local Planning Authorities, in the exercise of any of their functions to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions (Regulation 9(5)). The requirements of the Habitats Directive include a requirement to establish a system of strict protection for European Protected Species (EPS). When considering development proposals where European Protected Species are present, Local Planning Authority's need to take into account the derogation tests in order to consider the effect of a proposal on the species. These tests are as follows:

- Regulation 53(2)(e) for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, and
- Regulation 53(9)(a) that there is no satisfactory alternative and
- Regulation 53(9)(b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Regulation 53(2)(e) (Imperative reasons of overriding public interest etc): In this case, the development is not likely to have a major impact on the dormice species, and mitigation proposed has been accepted by Natural Resources Wales and the Council's Ecologist. The wider public interest includes:

- * Improving and increasing the housing stock with good quality accommodation
- * Improving the visual amenity of the surrounding landscape through the redevelopment of previously developed land
- * Improving the setting of the Observatory (SAM and Listed Building) and restoring its landscape setting

Regulation 53(9)(a)(that there are no satisfactory alternatives to the proposed activity): There are two other alternatives to redeveloping the site for residential development. The first alternative considered would be to redevelop the site for another type of development such as commercial, employment or leisure uses however it is considered that these other uses could have a similar impact to the proposed residential development in the first instance and secondly, there was no real interest in these alternate uses. The second alternative would be to leave the site undeveloped however this could create future problems for the Council as landowner given that the existing building has been demolished and could pose a health and safety threat. This would also result in a previously developed site being left unused. A smaller development would not be economically viable given the site costs and the associated abnormal costs of demolishing the building.

Regulation 53(9)(b) (that the action authorised will not be detrimental to the maintenance of the population of the species concerned): The Council's Ecologist and Natural Resources Wales have been consulted on this application and have stated that the proposals are unlikely to have a detrimental impact on the maintenance of the dormice population given the mitigation proposed and the isolated nature of Penbwl Woods. Twice as much habitat would be created in an area more conducive to dormice in the adjacent woods.

In respect of NRW's comments regarding the foul pumping station the applicant has confirmed that the 15m exclusion zone refers to buildings only and as such there is no intention to clear this area and it will be retained unaffected by the development.

SINC

The site is bordered by the Valley Wood Site of Importance for Nature Conservation (SINC) no: 205. SINCS, along with other locally designated wildlife sites are addressed under UDP Policy EV28. This seeks to ensure that appropriate mitigation or compensatory measures are sought should development be permitted which would damage the nature conservation value of the site, with such damage being kept to a minimum.

The Council's Ecology Section has advised that any loss of woodland should be mitigated for within Penllergaer Valley Woods SINC. Potential mitigation measures include: restoration of native broadleaved woodland habitat through the control/removal of invasive species and the management of non-native tree species at various locations throughout the site. A S106 contribution of £65,000 together with a further £5,000 towards habitat creation is therefore requested to deliver these measures (£ 70,000 total). The contribution request to mitigate for the loss of the SINC is directly related to the extent of proposed woodland to be lost, however the request for a further £5,000 towards habitat creation is not considered to be necessary to make the scheme acceptable in planning terms and therefore will not be requested. The SINC mitigation works would be undertaken in the adjacent woodland in Penllergaer Valley Woods and the Trust have confirmed that they are agreeable to this.

SPA

The Council's Ecologist has undertaken a Test of Likely Significant Effect (a screening exercise) and has concluded that the development would not have a significant effect on the features of the Burry Inlet SPA. Water Quality issues are addressed below separately.

Drainage

An updated drainage strategy (Version 2) has been submitted with the application following liaison with Council's Drainage Officer. Residents and the local Councillor raise concerns in respect of drainage of the site.

Flood Risk:

The site is located within Zone A as indicated on the Welsh Government Development Advice Maps. The submitted drainage strategy confirms that further flood risks and justification tests are not required to sites located within Zone A with drainage design incorporating aspects of Sustainable Urban Drainage Systems (SuDS) applicable to the development.

Foul Water Drainage:

The current authorised use of the site is that of an office development which is the current planning land use and as such its historical level of foul discharge into the existing network is therefore a material consideration.

At its peak the previous development use had up to 400 office works on site with estimated peak foul flows of 2.4 litres/second. The proposed use of the site for 80 dwellings results in a peak foul flow rate of 1.04 litres/second.

Based upon the level of foul discharge it is conceded that the foul flows which will be achieved from the redevelopment of the site (for 80 residential units) will be less than the current authorised use of the site for a maximum of 400 employees. Given the above, it is considered that the proposal will result in a volumetric reduction in foul flows thus creating "betterment" which will negate the requirement to seek any further surface water removal.

All foul flows will connect to a new pumping station to be built to the rear of plots 8 and 9. This will transfer flows across the north of the site to the gravity system where the existing rising main discharges. The existing on site pumping station will be decommissioned and demolished as part of the infrastructure works for the proposed development. Contrary to concerns from the Local Ward Member, no dwellings would be served by private drainage. All dwellings will be connected to the public sewer and will be draining to the pumping station.

Surface Water Drainage:

The former Civic Centre and associated infrastructure drained surface water flows into surface water drains that discharge to a local tributary of the Afon Llan.

Geotechnical site investigations have been undertaken and on the basis of these results which show poor infiltration rates due to ground conditions it is unlikely that an infiltration based drainage system will be possible across the entire site.

The proposed development will lead to an increase in impermeable area from approximately 1.297ha to 1.651ha. Much of the existing surface water drainage will be demolished as part of the redevelopment of the site and therefore new surface water drainage infrastructure will need to be constructed.

The route of the existing culvert that takes flows from offsite will largely remain the same, with local realignment of the culvert headwall to maximise and improve flows through the culvert. These works will be included within a Land Drainage Consent application to be submitted to City

and Council of Swansea Council and will include proposals to upsize the culvert from 300 to 450mm diameter.

As infiltration based drainage is not practicable, surface water runoff will be collected via a gravity sealed pipe network and discharged into the tributary of the Afon Llan, mimicking the existing brownfield runoff regime and utilising the existing outfall arrangement. The surface water flows will pass through a flow attenuator which will restrict the flow rate to a maximum of 103 litres/second with a 30% allowance for climate change. Surface water drainage infrastructure will remain private to each household with highway drainage to be maintained by a private management company.

Based on the above, there are no objections raised to the application by statutory consultees on drainage grounds, providing conditions are added relating to the comprehensive and integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS), and the removal of permitted development rights. In respect of permitted development rights Class B and C (alterations to roof will not increase surface water run-off and it is proposed not to be excluded. However Band F (hard surfaces) should be included within the condition due to concerns in respect of increased surface run off from any impermeable surfaces.

Dwr Cymru Welsh Water has confirmed that they raise no objection to the application subject to conditions relating to a drainage scheme for the disposal of foul, surface water disposal for the site and the inclusion of advisory notes relating to easements for the water mains that cross the site, and the proposed pumping station to minimise any effects of noise and odour nuisance.

The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor NRW towards all development that drains into CBEEMs, and carried out the following habitat assessment.

Burry Inlet Habitat Regulations Assessment

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation and Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European site, or candidate/ proposed European site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and Ramsar site. Before deciding to give permission the LPA must therefore first consider whether this development is likely to have a significant effect on the CBEEMs either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMs features water quality was identified as the only factor that might have an effect as discussed below.

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea, as part of the LDP process has undertaken a 'Shadow Habitats Regulations Assessment to inform the Habitats Regulations Assessment of the Local

Development Plan. The application site (being an allocated residential site within the deposit LDP) was considered as part of this HRA.

As the proposed development has already been considered as part of this HRA (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment of the proposal.

In summary, the HRA concludes that the deposit LDP (which includes the application site as an allocated site) will not be likely to have a significant effect either alone or in combination on the any of the European protected sites (Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and Ramsar).

Other possible effects on CBEEMs features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

On this basis, there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with Regulation 61(1).

Natural Resources Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, confirmed that they are content with the above approach.

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

Affordable Housing

The applicant has proposed an amended housing offer of 16 (20%) units of affordable housing to be dispersed throughout the site. Initially the applicant has proposed 8 units (10%) but this has been the subject of negotiation during the course of the application.

The applicant submitted a Financial Viability Assessment in October 2017. This has been the subject of an Independent Financial Vitality Appraisal. The initial conclusion of this independent appraisal is that it is viable for the proposed development to provide 16 affordable dwellings (i.e. 20% of the total number of new homes). Following discussions, a balance between social (25%) and intermediate (75%) tenure types has been accepted on viability grounds. The Council's Housing Department has reviewed the revised site layout plan and has confirmed their acceptance of the amended housing offer.

Education

The projected pupil numbers generated by the proposed development of 80 houses (having regard to the calculations contained within the Planning Obligations SPG) is as follows:

Primary - 25 pupils (22 English and 3 Welsh medium)

Secondary - 18 pupils (16 English and 2 Welsh medium)

The Education department has requested a total contribution of £554,564 as they consider that there is lack of capacity in all the catchment schools (both English and Welsh medium).

The total contribution requested is £228,184 plus indexation towards Penllergaer Primary, and £31,116 plus indexation towards YGG Pontybrenin and £285,264 plus indexation (split 89.9% and 10.2% respectively between Pontarddulais Comprehensive and YG Gwyr).

However, given viability concerns a review of consultee responses has taken place and it is considered that a reduction in the education contribution requested is necessary on viability grounds. This is discussed further under the Financial Viability/Planning Obligations heading.

Japanese Knotweed

It has been confirmed that Japanese Knotweed is present on the site. Therefore a planning condition will be added requiring that a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, which shall be implemented prior to the commencement of work on site, in the interests of the ecology and amenity of the area. In order for the condition to be discharged, the developer must then devise an appropriate and suitable method statement for the control of the plant.

Welsh Language

Although no Welsh language impact assessment has been submitted in support of the application, at the time of the 2011 Census, 10.2% of the residents of Penllergaer Ward could read, write or speak Welsh. The percentage at a County level is 8.4% (14.6 nationally) (figures taken from 2011: Census: Key Statistics for Wards; City & County of Swansea). It is anticipated that the majority of the new occupiers of the development would be drawn from throughout the City and County of Swansea and therefore it is considered reasonable to adopt the Swansea wide proportion of residents who can speak, read and write Welsh. Based on the census figures of average residents per household (2.4%), it is anticipated that 192 new residents would reside in the development and the number of residents who it is anticipated could read, write or speak Welsh would be approximately 16 which is considered to have a neutral impact.

As a result, the development is considered unlikely to lead to a loss in Welsh speaking households. The mix of units would help cater for people of different ages and economic status, with different lifestyles and levels of independence. Due to the nature of the scheme (residential), it is not considered that the proposals would lead to greater economic diversity resulting in in-migration of non-Welsh speakers or increased competition for Welsh speaking businesses. It is considered unlikely that the development would force the local Welsh speaking community to leave the area.

The proposed development would generate 25 children of primary school age, 18 of secondary school age. As a result of the number of pupils generated by the development, it is considered unlikely that the proposal would alter the balance between Welsh speaking pupils/students. The developer has agreed to provide a S106 contribution which will include both Welsh and English speaking schools.

Responses to Objections

It is acknowledged that the objections raise a number of issues in respect of the redevelopment of this sensitive site. However, it is considered the issues raised are addressed in the report

above and it is considered that the scheme as submitted, and following extensive dialogue with Officers represents an acceptable form of development subject to compliance with relevant planning conditions. Concerns about the recreational use of the area around the observatory have been given limited weight as this would be a management issue.

Planning Balance

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

In this instance the application site is proposed as an allocated site for residential development within the Local Development Plan and the Council do not have a 5 year housing land supply, both of which weigh in favour of the application.

The housing land supply currently stands at 3.2 years (2016 JHLAS), which is less than the 5 years required under national planning policy. The Council has demonstrated its commitment to increasing the available housing land supply through publication of the Developer Guidance - Planning Applications for Non-Householder Residential Development.

As indicated in preceding paragraphs the guidance sets out that the Council will take a positive approach to the negotiation and preparation of appropriate planning applications for non-householder residential development on sites recommended for allocation in the emerging LDP. Where such cases represent a departure from the adopted UDP, the Council will prioritise identified strategic sites to ensure the high numbers attributed to them can be delivered and because these sites are most capable of delivering the widest social/economic benefits to contribute towards achievement of the LDP strategy and sustainability. The guidance states that the Council will also prioritise sites identified for the particular purpose of delivering majority proportions of affordable housing. The application site does not fall into either of the aforementioned categories, and is instead a proposed 'non-strategic' housing site.

However, the guidance also notes that the Council will take an evidenced approach and consider the merits of any planning application with regard to the particular circumstances and planning issues. It states there may be circumstances when a small scale site could provide a contribution to housing numbers that would not otherwise be secured by strategic sites.

In this instance, it is considered that the proposal is in line with the Deposit LDP, the proposal would provide a meaningful early contribution towards meeting the housing supply before adoption of the LDP (provided a condition to commence development within 1 year is attached) and as a small-medium provider, it would not divert attention/resources away from a strategic site. It should also be noted that the proposal would provide a contribution towards affordable housing (that would be in line with the emerging LDP) and education, and is considered sustainable and viable.

The Council submitted the Swansea Local Development Plan 2010-2025 (the 'LDP') to the Ministers of the Welsh Government for independent examination on 28 July 2017. The formal hearing sessions for the Examination process are currently underway (commenced 6th February 2018). The site is allocated within the emerging LDP for housing for approximately 80 dwellings. Further to this, it is acknowledged that the Council cannot meet its future housing land supply needs without allocation of greenfield sites and this site is largely previously

developed land which adds to its sustainability credentials. The need to increase housing supply is considered to warrant considerable weight in the short term.

Balanced against this it is acknowledged that given the heritage constraints on the site, the development has posed a significant challenge. The current layout only works because it has been possible to extend the development area to the north into the existing young woodland. The layout of the scheme has been radically amended taking on board comments from the Conservation and Urban Design Manager and to provide a scheme that is underpinned by the vision to significantly enhance the setting of the observatory, with the inclusion of an open meadow, reinstating historic routes, creating a visual link to the wider historic park and enabling the retention of a number of higher quality trees on site.

When assessing all of these issues, it is considered the benefits of the development including the improved setting of the observatory, marginally outweigh the impact on and encroachment onto previously undeveloped areas of the registered park and garden, provided that a condition is attached requiring the development to be implemented within one year of permission being granted to ensure the prompt delivery of much needed housing.

Planning Obligations /Financial Viability

The applicant submitted a Financial Viability Assessment in October 2017 outlining that they could only provide 10% Affordable Housing provision on site and a contribution of £225,000 towards S106 contributions. As per the Planning Obligations SPG, where there is a discrepancy in terms of the project viability, the Local Planning Authority shall seek an independent appraisal at the applicant's expense.

The application has been the subject of an Independent Financial Viability Appraisal undertaken by the same independent appraiser who undertook the Local Development Plan viability to ensure consistency of approach. This appraisal has been discussed at length between parties as the applicant considered there to be some discrepancies and their costs had increased since the initial appraisal as a result of higher specification materials. They maintain that the scheme would not be viable unless the S106 contributions are reduced significantly. In light of this, the requests from consultees have been further interrogated and it is considered that the education contribution for English primary provision and Welsh primary provision could be omitted as three Welsh primary places would be created but there is still capacity for this provision at the current time in YGG Pontybrenin and a recent 2 class demountable at this school has further eased pressure. With regards to English medium, the development would create more places than the capacity at Penllergaer Primary and a contribution would normally be required. However, it has been evidenced that this would make the scheme unviable. In addition, it should also be considered that a new primary school is proposed as part of the nearby Strategic Site at Parc Mawr proposed in the Local Development Plan which is anticipated to be included in a forthcoming planning application. Within this context, it is considered that a reduction in contributions is necessary on viability grounds and the small shortfall in school provision for English primary students would not warrant a recommendation for refusal in these circumstances.

In addition, the independent appraisal has indicated that it would be viable for the proposed development to provide 16 affordable dwellings as outlined above.

The planning obligations associated with this development include:

- * Provision of 16 affordable housing units on site (25% of which at social rent and 75% at intermediate rent)
- * £253,568 contribution towards Pontarddulais Secondary School
- * £3,000 contribution towards Toucan Crossing upgrade;
- * £65,000 contribution towards mitigation for loss of SINC;
- * £4,400 contribution towards ongoing management and monitoring fees (20% of application fee).

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations set out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure that an adequate sum is provided towards Education, provide affordable housing on site and to improve accessibility for pedestrians to/from the development.)
- b) Directly related to the development: (the obligations of the Section 106 Agreement are directly related to the development.

and

- c) Fairly and reasonably related in scale and kind to the development; (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure a contribution towards education, upgrade of the existing pedestrian crossing and the provision of affordable housing, SINC.)

On balance the above contributions are considered necessary, directly related and fairly and reasonably related in scale and kind to the development.

Conclusion

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

The layout has consciously allowed for the retention and enhancement of the Grade II * listed observatory building within an area of open space at the focal heart of the site. In doing so, it is considered the scheme successfully preserves an important historical asset and successfully assimilates it into the development and its natural context whilst having minimal impact on the registered Historic Park and Garden. Moreover, it would enable use of a largely vacant brownfield site within close proximity to a public transport corridor and efficient road network, and which is allocated for housing in the forthcoming LDP.

Having regard to all material planning considerations, including the provisions of the Human Rights Act, whilst it is acknowledged the proposal is located outside the settlement boundary

and within the confines of a Historic Park and Garden, the development is considered acceptable on balance when considering all material considerations. It is therefore concluded that the application should be approved subject to the following conditions and the completion of a S106 Agreement.

RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a S106 Planning Obligation in respect of the contributions listed below:

- * **Provision of 16 affordable housing units on site (25% of which at social rent and 75% at intermediate rent)**
- * **£253,568 contribution towards Pontarddulais Secondary School**
- * **£3,000 contribution towards Toucan Crossing upgrade;**
- * **£65,000 contribution towards mitigation for loss of SINC;**
- * **£4,400 contribution towards ongoing management and monitoring fees (20% of application fee).**

1 The development hereby permitted shall begin not later than one year from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development shall be carried out in accordance with the following approved plans and documents:

09 House Type 7 proposed plans & elevations
12 House Type 10 proposed plans & elevations
Received on the 4th May 2017

11 Rev A House Type 9 proposed plans & elevations
Received 17th May 2017

10 Rev B House Type 8 proposed plans & elevations
Received 23rd May 2017

03 Rev A House Type 1 proposed plans & elevations
15 House Type 13 proposed plans & elevations
LP-01 Rev A Site location plan
Received on 8th December 2017.

Material Specification Rev B
04 Rev D House Type 2 proposed plans & elevations
05 Rev D House Type 3 proposed plans & elevations
06 Rev C House Type 4 proposed plans & elevations
07 Rev B House Type 5 proposed plans & elevations
08 Rev C House Type 6 proposed plans & elevations
13 Rev A House Type 11 proposed plans & elevations
14 Rev B House Type 12 proposed plans & elevations
Received on 21st March 2018

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

- 3 Prior to the commencement of development, a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:
- a) Construction programme and timetable;
 - b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
 - c) Traffic scheme (access and egress) in respect of all construction related vehicles including the loading and unloading of plant and materials;
 - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
 - e) Proposed working hours;
 - f) Principal Contractor details, which will include a nominated contact for complaints;
 - g) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
 - h) Details of on-site dust mitigation measures having regard to BPM;
 - i) Details of on-site noise mitigation measures having regard to BPM;
 - j) Details of waste management arrangements (including any crushing/ screening operations);
 - k) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
 - m) How each of these watercourses and pathways will be protected from site run off during construction;
 - n) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

Reason: To protect residential amenity and the environment during the construction phase.

- 4 No part of the development hereby permitted shall be occupied until details of a lighting design scheme, which shall include details of the phasing of the street lighting, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in accordance with the approved scheme.

Reason: In the interests of pedestrian and highway safety and to minimise disturbance to wildlife.

- 5 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include the following:

- o Details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network.

- o Details on ownership, long-term adoption, access, management/maintenance scheme(s) and monitoring arrangements/responsibilities for the SW scheme and onsite culvert including easements.
- o Supporting calculations for performance of the system up to and including the 1 in 100 year critical storm including a 30% allowance for climate change.

The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall include details of the impact on the works of trees along the diverted culvert and shall be informed by an Arboricultural Impact Assessment.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment, trees and to minimise surface water run-off.

- 6 The development shall not discharge to the watercourse network at any rate greater than 103l/s as detailed in the Drainage Strategy Report Version 2, dated October 2017.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales), (or any order revoking or amending that order), Classes A, B, D, E and F of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.

- 8 Notwithstanding the details submitted to date no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting, and a Landscape Management Plan. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The Landscape Management Plan shall detail all the measures for the long-term conservation and management of all retained trees, new trees and hedgerows on the site. All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the first house or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

- 9 The development hereby permitted shall be undertaken in accordance with the measures outlined in Sections E, F, G and H of the European Protected Species (Hazel Dormouse

Muscardinus avellanarius) Method Statement (Amended April 2018) prepared by Dr Deborah Sazer. Full details of the area of new habitat to be created (as indicated in E.2.3) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure dormice mitigation is provided in accordance with best practice during the course of the works.

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

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

- 11 No development shall commence until the Local Planning Authority has been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

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

- 12 Notwithstanding the submitted details, no development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme. The tree protection scheme shall include the following information:

- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.
- (b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.
- (c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) Details of any levels changes within or adjacent to protection zones;
- (f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;

- (g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;
- (h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
- (i) Provision for the prevention of soil compaction within planting areas;
- (j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
- (k) Provision for briefing construction personnel on compliance with the plan;
- (l) Provision for signage of protection zones and precautionary areas;
- (m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.
- (n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and to ensure no detriment to potential bat roosts.

- 13 Before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with the approved details.

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

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

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

- 15 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed residential streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or successor legislation.

Reason: To ensure the roads are maintained to a satisfactory standard in the interests of highway safety.

- 16 Prior to the first beneficial occupation of any of the dwellings hereby permitted, details of the footpath link to the south of the site, to include details of surfacing and width along its length, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details prior to the first beneficial occupation of any of the dwellings hereby permitted.

Reason: To ensure access and connectivity to the surrounding area is improved.

- 17 Prior to the first beneficial occupation of any dwelling hereby permitted, the highways and footpaths located within the residential development serving that dwelling shall be constructed to base course level and prior to the occupation of the final dwelling shall be laid out to an adoptable standard, in accordance with full engineering details which shall first be submitted to and approved in writing by the Local Planning Authority. The

submitted details shall include details of the phasing of the highways and footpath construction. The development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of highway safety.

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, EV2, EV3, EV6, EV20, EV22, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.
- 4 The Drainage Officer has advised that where the diverted culvert route will run through back gardens/private land those owners will become the riparian owner/s of the system and responsible for the management and monitoring of the structure in perpetuity. An easement must be clearly marked showing where no development can take place i.e. extensions, sheds, decking, planting etc. to allow for future access/maintenance/replacement. This must be included in the deeds of those properties.
- 5 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

No habitable buildings should be constructed within a 15 m vicinity of the pumping station as to minimise any effects of noise and odour nuisance.

6 The applicant is advised to note the following:

1 Construction Noise

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

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations

7 Highway Informatives:

Note1 : Section 278 Works

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

The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Guildhall , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader, e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091

Note 2: Retaining Wall Informative

Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height.

Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.

Note 3:Future maintenance

The applicant is advised that to discharge this condition, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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

9 Dwr Cymru Welsh Water have advised that the proposed development is crossed by a 20 inch and a 160mm trunk watermain, the approximate position being shown on the Statutory Public Sewer Record. Their position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.

It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

10 Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

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

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

11 The applicant is advised to prepare and implement a Site Waste Management Plan to ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

12 The Council's Highways Officer has recommended the implementation of a Construction Method Statement to be adhered to throughout the construction period.

The statement should provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.