



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Planning Committee

At: Council Chamber, Guildhall, Swansea

On: Tuesday, 2 July 2019

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: C Anderson, P M Black, W Evans, L S Gibbard, S M Jones, M B Lewis, R D Lewis, P B Smith, D W W Thomas, L J Tyler-Lloyd and T M White

Agenda

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www.swansea.gov.uk/disclosuresofinterests | |
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Next Meeting: Tuesday, 6 August 2019 at 2.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Tuesday, 25 June 2019

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 4 June 2019 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
L S Gibbard
D W W Thomas

Councillor(s)

P M Black
R D Lewis
L J Tyler-Lloyd

Councillor(s)

W Evans
P B Smith
T M White

Officer(s)

Gareth Borsden
Matthew Bowyer
Ian Davies
Sally-Ann Evans
Dave Owen
Jonathan Wills

Democratic Services Officer
Principal Telematics Engineer
Area Team Leader
Senior Lawyer
Principal Planning Officer
Senior Lawyer

Apologies for Absence

Councillor(s): S M Jones and M B Lewis

5 Disclosures of Personal and Prejudicial Interests.

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

Councillor P M Black – Personal & Prejudicial – Item 2 – 2019/0536/S73 – received donation from developer during Welsh Assembly re-election campaign and left prior to discussion.

Councillor P Lloyd - Personal – Item 2 – 2019/0536/S73 – I know the applicant.

6 Minutes.

Resolved that the Minutes of the Planning Committees held on 7 and 9 May 2019 be approved and signed as correct records.

7 Items for Deferral/Withdrawal.

None.

8 Determination of Planning Applications under the Town & Country Planning Act 1990.

A series of planning applications were then presented on behalf of the Head of Planning & City Regeneration.

Amendments/updates to this schedule were reported and are indicated below by (#)

Resolved that the undermentioned planning applications **Be Approved** subject to the conditions in the report and/or indicated below(#):

#(Item 1) – Planning Application 2019/0980/S73 - Outline planning application (with all matters reserved) for the refurbishment, alteration and/or demolition of all existing buildings / structures on the site (except St Mary's Church and St David's Church) and redevelopment of site with indicative access / layout and scale parameters on the north site of a maximum of 1 to 7 storeys and maximum new floorspace of 84,050 sqm comprising retail / commercial /office use (Classes A1/A2/A3/B1) residential (Class C3), non-residential institution (Class D1) and leisure (Class D2), multistorey car park and redevelopment of south site of a maximum of 40,700 sqm of floorspace comprising a new arena (Class D2), up to 13 storey hotel / residential building (Class C1/ C3), food and drink (Class A3), undercroft car park, potential energy centre. Across both sites, the provision of associated new public open space / public realm and landscaping, new pedestrian and vehicular access and servicing arrangements (including a pedestrian bridge link across Oystermouth Road), provision of new bus stops on Oystermouth Road, new pedestrian access through existing arches along Victoria Quay, relocation of Sir H Hussey Vivian statue, earthworks, and plant - Section 73 application to incorporate minor material amendments to the wording of Condition 1 (approved parameter plans and sections, and supporting documents) of planning permission 2017/0648/OUT granted 13th June 2017 at Former St David's Centre And Other Land North And South Of, Oystermouth Road, Swansea

Spencer Winter (Rivington Land Developers) addressed the Committee and spoke in support of the application.

A visual presentation was provided.

Report updated as follows:

The following late Consultation Responses were reported to Committee:

CADW - Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

Assessment

Outline planning consent (2017/0648/OUT) for the refurbishment, alteration and/or demolition of all existing buildings/structures on the site (except St Mary's Church and St David's Church) and redevelopment of St.Davids Centre was granted planning consent in 2017. This advice is given in response to section 73 application to incorporate minor material amendments to the wording of Condition 1 (approved parameter plans and sections, and supporting documents) attached to the consent.

In response to the original planning application we determined that the proposed development would only have an impact on the setting of scheduled monument GM012 Swansea Castle and that this would be very slight and not significant. The

proposed changes that are the subject of this application will not alter this impact.

Dwr Cymru Welsh Water - With respect to our most recent consultation response (Ref: PLA0036308), in relation to an application approval of reserved matters for Phase 1 (2018/1648/RES), we refer to our extensive representations to date and welcome the opportunity to submit further comments on this latest consultation exercise for Swansea Central Regeneration.

We acknowledge that this latest application seeks variation of condition 1 on outline planning permission 2017/0648/OUT, to enable amendments to the parameters of Swansea Central redevelopment along with adjustments to the design, access and public realm, as described in the accompanying cover letter 25th April prepared by Savills. As part of this application, we also acknowledge that the recently submitted 'Drainage Statement' (9th May 2019) advises there are no amendments to the proposed drainage strategy and anticipates a lessened impact on the 1650mm sewer located in Albert Row. In principle, therefore, we offer no objection to the variation of condition 1 on permission 2017/0648/OUT; however we respectfully request that conditions 17 – 22 are maintained on any new consent granted for the development, in particular condition 22 which refers to the aforementioned sewer in Albert Row:

22) Prior to the commencement of development within Development Zone DZ3, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to protect the 1650mm diameter public combined sewer below Albert Row. The scheme shall incorporate measures for mitigation in the event of a requirement for access to the sewer in the future for maintenance or operational issues. The development shall be constructed in accordance with the approved scheme.

Reason: In order to safeguard the integrity of the 1650mm diameter public combined sewer and to allow access for future maintenance if required.

Highway Authority Observations - A Transport Statement (TS) has been submitted alongside the Section 73 application, this has been reviewed in the context of the Transport Assessment (TA) submitted with the now approved planning application.

The main amendments being sought to the original permission Arena relate to the removal of long coach layby along the west bound carriageway of Oystermouth Road and a revision to the Arena / hotel service access. The revised scheme will create a revised service yard access, providing access to two coach drop off / pick-up bays and the service area in the Arena. The two coach spaces will be shared with the proposed Arena, hotel and existing LC2 building. The area will also provide a taxi drop-off for the Arena / hotel.

The TS sets out that in addition to the internalised coach drop off / pick up bays the revised scheme also proposes to provide two additional laybys along the bus route adjacent to the Paxton Street car park. There will also be two coach bays constructed on Wellington Street as part of the associated improvement works.

Therefore overall the revised proposal would not result in any loss of coach bays compared to the approved scheme, albeit more separated than previously proposed and still within a short walking distance. It is confirmed within the TS that coaches

will be required to lay over at the Park and Ride facilities or at Bracelet Bay, as previously agreed.

The service yard access will retain the principle of a left-in/left-out arrangement on the western carriageway of Oystermouth Road. This will minimise the impact on traffic utilising the gaps in traffic created by the traffic signal junction. The submitted swept path analysis demonstrate turning manoeuvres are designed to allow internal manoeuvres from large vehicles, although there appears to be little room for error. The proposed exit onto Oystermouth Road requires HGVs and PSVs to cross into the centre lane of the carriageway. This raises concern and will need to be addressed within the detailed designed stages in order to be found acceptable and safely accessed.

The amendments also include proposed revisions to the northern MSCP comprise the following:

- a revised MSCP layout/footprint resulting in an increased car park use GIA from 17,600sqm (max) to 20,000sqm (max);
- a revised car park entrance/exit location on Albert Row;
- improved vehicle lane widths on Albert Row;
- a service layby (Albert Row);
- improved pedestrian routes along both sides of Albert Row;
- a shared pedestrian and vehicle area allowing service, public transport and emergency vehicles direct access from the eastern end of Wellington St onto Albert Row

The revised floor area for the car park layout will result in an increase of parking provision from 588 spaces to 606 spaces. The TS advises that an alteration to the internal layout of the car park will include 37 (6%) disabled spaces, 15 spaces with electric vehicle charging points and 24 enlarged spaces.

The TA assessed a proposed parking provision of 588 spaces at the northern MSCP, which is 18 fewer than now proposed. There are a number of measures already agreed to be implemented to help manage parking provision in this area of the city. It is considered that this slight increase in parking provision will not significantly change the conclusions of the TA. Therefore the proposed increase in parking is acceptable.

The revised MSCP access location will result in the entrance and exit being moved further northwest along Albert Row.

The lane widths on Albert Row are proposed be widened and amended to provide two separate southbound lanes for left turning and right turning traffic from the MSCP onto the Albert Row and Oystermouth Road junction. The TS includes swept path assessments which demonstrate that the proposed layout is adequate. The relocation of the entrance and exit does improve the available stacking room and queuing space on Albert Road at the signalised junction with Oystermouth Road.

The intention to provide a further service layby on Albert Row adjacent to the proposed MSCP, for the use of service vehicles travelling southbound, is acceptable. The swept path assessments demonstrate that this can be adequately accessed. Refuse vehicle manoeuvres are shown using the shared space and ramp area to turn, although this type of vehicle could also access the service layby if required.

The revisions proposed along Albert Row include improvements to pedestrian's facilities along both sides of the carriageway. In addition to this, a shared space is proposed which will be used predominantly for a visual change in environment and part of the management of private vehicles.

The shared surface will allow emergency access through this section, allow delivery vehicles, coaches and buses to travel south from Wellington Road but prohibit access by private vehicle. This low trafficked shared space will encourage pedestrian movements and form a natural crossing point.

A previous consideration for the proposed layout changes was to ensure that commercial deliveries could continue to be achieved, in this location a primary concern was the Tesco service area. The swept path assessments confirm that the proposed changes would allow Tesco deliveries to be made to and from Oystermouth Road and Albert Row. The delivery vehicle is also shown accessing Albert Row via Wellington Street the shared surface area. However, there does not appear to be an assessment which demonstrates access to the Tesco service yard from this south bound approach turn and exit back onto Albert Row. This must be demonstrated and is required to be submitted for inspection.

Conclusions:

The Highway Authority recommends that no objection is raised to the Section 73 application, subject to the refinement of the layout at detailed design stage, to include improved HGV and PSV turning on Oystermouth Road from the Area service access and ensuring that Tesco service yard can be served from the Wellington Road approach.

The above recommendation will require that the previous conditions associated with our planning consultation response are retained.

Application **Approved** in accordance with recommendation subject to the following amendments to conditions:

The proposed development shall be substantially implemented in accordance with the approved Parameter Plans and Sections, Architectural Section 73 Comparison Document and Public Realm Strategy Addendum which set out the vision, objectives, urban design principles, development strategy, masterplan, accessibility and movement, scale, quantum of development, building concept, infrastructure, environmental sustainability and structural landscaping principles of the development.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance.

Phase 1 of the development relating to the South Site shall be implemented in accordance with the Piling Risk Assessment approved under condition discharge ref: 2019/0583/DOC.

Piling or any other foundation designs using penetrative methods shall not be permitted on other phases of the development other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to

groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

#(Item 2) – Planning Application 2019/0536/S73 - Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189 and 2018/1204/S73. Variation of condition 7 of planning permission 2018/1204/S73 granted 3rd October 2018 to replace the reference to the temporary access road approved under 2018/1790/FUL with the reference to a temporary access along the alignment of the permanent access road approved under 2017/0026/FUL at Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea

A visual presentation was provided.

9 Appeal Decision - 214, St Helen's Avenue.

The Head of Planning & City Regeneration presented a report which outlined the result of an appeal to the Planning Inspectorate against a decision made by the Planning Officers not to grant planning permission for a HMO at 214 St Helens Avenue, Brynmill.

The background to the original decision and the letter from the Planning Inspector were outlined in the report.

Resolved that the appeal decision be noted.

The meeting ended at 2.35 pm

Chair

Agenda Item 4

City and County of Swansea
Dinas a Sir Abertawe

Report of the Head of Planning & City Regeneration
to Chair and Members of Planning Committee

DATE: 2nd July 2019

Bay Area Team Leader Liam Jones - 635735	Area 1 Team Leader: Ian Davies - 635714	Area 2 Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.

Phil Holmes
BS(Hons), MSc, Dip Econ
Head of Planning & City Regeneration



TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members. The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Members should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on page 83 of Part 3 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

Contents

Item	App. No.	Site Location	Officer Rec.
1	2019/0911/S73	Land West Of Gower View Road And North Of Brynafon Road, Penyrheol, Swansea Residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road (outline) (Variation of conditions 1, 3 and 4 of planning permission 2005/2355 granted 23rd April 2010) to extend the time period for the submission of Reserved Matters on the remaining site area in accordance with the revised Design and Access Statement and Masterplan	Approve

PLANNING COMMITTEE – 2ND JULY 2019

Item 1 (Cont'd)	Application Number:	2019/0911/S73
2012/1113	Residential development comprising 22 detached dwellings with detached garages, 2 pairs of semi-detached dwellings and 4 linked dwellings with additional off-street parking along Brynafon Road(details of the access, appearance, landscaping, layout and scale pursuant to outline permission 2005/2355 granted 23rd April 2010)	APP 28.11.2012

Background

This application is being reported to Planning Committee as the development exceeds the threshold for the number of dwellings.

Outline planning permission was granted for a residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road subject to conditions and a S106 agreement in March 2010 (ref: 2005/2355). The land is in the ownership of the Welsh Government and the Council. Following the outline approval, a Reserved Matters application for 30 dwellings was approved in November 2012 (ref: 2012/1113). This development has subsequently been constructed and the outline permission has therefore been implemented.

However, the time limit to submit Reserved Matter applications for the remainder of the site has now past and the applicant cannot seek to submit such applications unless this condition is amended.

Several of the S106 contributions have already been paid as the development was commenced. These include contributions towards off-site affordable housing provision, highway improvements within the vicinity of the site and the provision of an equipped play area. The contribution provided for highway improvements sought to cover works that had already been undertaken by the Council prior to the original application being determined by the Council and therefore wasn't necessary in planning terms. The original applicant is seeking the refund of this sum as part of any S106 agreement attached to this application.

It should be noted that this is a Section 73 application to vary/ remove conditions regarding the time limit for submission and to amend the masterplan for the site. Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.

For information, an application was also granted in outline for development of land to the north of the site in March 2014 (A01/0132) at the former Honeybee Nursery site. This has been developed pursuant to a Reserved Matters application (2014/1954) that was approved in March 2015. Both of these sites formed part of the Brynafon Road Design Statement and Masterplan.

The application site has an area of approximately 7ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 150 dwellings and 5 hectares. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Site Location

The application site covers an area of approx. 7 hectares (including the development at the southern end of the site) and lies to the north of Brynafon Road and to the west of Gower View Road on the edge of the settlement area of Penyrheol and Loughor. A substantial part of the site is used as agricultural grazing land with the site boundaries well defined by established hedgerows incorporating a number of mature trees. The land slopes from east to west providing for views over the Loughor estuary to the west.

To the north, the site abuts the rear gardens of recently constructed residences built by Persimmon Homes on Heol Y Creyr Bach and Heol Y Pibydd. A small stream flows along the northern property line between the site and the adjacent dwellings. To the east, rear gardens of dwellings on Gower View Road and Fernhill Road abut the site, and include an informal access to a garage that runs along part of the eastern boundary.

A new access (Heol Y Creyr Bach) was created from Gower View Road to provide access to the Former Honeybee Nursery site to the north of the application site. This access runs through the site and would provide the northern access to the application site. An improved equipped play area has also been provided in close proximity to this access from S106 money from the development of this site.

In addition, a new access has been created in the south to serve the development to the south (Min Yr Aber and Ffordd y Coegylfinir) from Brynafon Road. This development was laid out with future development in mind with two access points internally from the existing development.

Description of Development

This is a S73 application to vary/ remove conditions attached to outline planning permission 2005/2355. The permission has been implemented but cannot be progressed as conditions requiring the submission of Reserved Matters have now elapsed.

This application seeks to amend Conditions 1, 3 and 4 of the outline permission.

1. Unless otherwise agreed by the Local Planning Authority, the proposed residential development of the site shall be carried out in accordance with the guidance contained within the Design Statement and Masterplan submitted with this application.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy and Guidance.

3. Detailed plans and drawings with respect to the matters reserved in condition (02) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

4. The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

The applicant has submitted a new masterplan for the site and a Design and Access Statement explaining the design rationale that has been taken to update the original Design Statement and Masterplan. Outline parameters for the buildings on site have also been submitted as these were not required at the time of the original application but are now required by statute. These are as follows:

Height: 5m to 13m
Width: 4m to 12m
Length: 8m to 15m

These cover a range of 2 and 3 storey terraced, semi-detached and detached dwellings and bungalows. A community centre is also proposed at the centre of the development with a maximum floor area of 285m².

Community Building:
Height: 6.5m to 13m
Width: 5m to 15m
Length: 25m to 35m

In addition, the application has been supported by an Arboricultural Impact Assessment, an Archaeological Desk Based Assessment, Drainage Strategy, Preliminary Ecological Appraisal, Protected Species Surveys and Welsh Language Impact Assessment.

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

PS 1: Sustainable Places – the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

PS 2: Placemaking and Place Management – development must enhance the quality of places and spaces and shall accord with relevant placemaking principles.

IO 1: Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

IO 2: Employment and Training Opportunities - developers are required to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

HC 1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria.

HC 3: Development in the Welsh Language Sensitive Area – Proposals within the Language Sensitive Area (defined on the Proposals Map) will safeguard and promote the Welsh language throughout the County by complying with the Policy principles.

H 1: Non-Strategic Housing Sites – land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

H 3: Affordable Housing – sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

SI 1: Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 2: Providing and Safeguarding Community Facilities - new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI 3: Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

SI 5: Protection of Open Space – development will not be permitted on areas of open space unless it complies with specific criteria.

SI 6: Provision of New Open Space –Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

SI 8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER 1: Climate Change – Development proposals will be expected to take account of the effects of climate change, adapt to its impacts, and to ensure resilience.

Item 1 (Cont'd)

Application Number:

2019/0911/S73

ER 2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

ER 6: Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

ER 8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria.

ER 9: Ecological Networks and Features of Importance for Biodiversity – development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

ER 11: Trees and Development - development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

T 1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T 5: Design Principles for Transport Measures and Infrastructure – provides design criteria that all transport measures/ infrastructure must adhere to.

T 6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

T 7: Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

Item 1 (Cont'd)

Application Number:

2019/0911/S73

EU 2: Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sq m or more, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

EU 4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

RP 1: Safeguarding Public Health and Natural Resources - development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment, will not be permitted.

RP 2: Noise Pollution - where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP 3: Air or Light Pollution - where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP 4: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

RP 5: Avoidance of Flood Risk – new development will be expected to be located away from unnecessary risk.

RP 8: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

Appendix 3 of the LDP provides for the following Allocated Site requirements and Informatives:

Site Ref & Name	H1.31 - Land off Brynafon Road and Gower View Road, Penyrheol
SHPZ	GNW
Education	Off-site financial contributions under s106 to existing Primary and Secondary schools in the catchment area, in accordance with Policy SI 3 Education.
Green Infrastructure Network	Provide green infrastructure network throughout the site in accordance with Policy ER 2.

Open Space	Provision of open space accordance with the FiT guidance set out in Six Acre Standard Document, Policy SI 6 Provision of New Open Space, Council's Open Space Assessment and Open Space Strategy.	
Biodiversity Measures and Environmental Enhancements	Biodiversity and environmental enhancements in accordance with relevant LDP Policies, which may include the requirement to submit and agree ecological management plans. (Policy ER 9: Ecological Networks and Features of Importance for Biodiversity, RP 1: Safeguarding Public Health and Natural Resources, RP 2: Noise Pollution, RP 3: Air and Light Pollution, RP 4: Water Pollution and the Protection of Water Resources). RP 6: Land Contamination, RP 7: Land Instability.	
Social Infrastructure	Provision in accordance with Policy SI 2.	
Transport	PROW: Connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: LC18 and LC96 Development Principles: • Highway access for development off Gower View Road and Ffordd y Coegylfinir. • Development to back onto existing dwellings on south and eastern boundaries.	
DCWW WWTW	Llanant WwTW:	Reinforcement works required.
	DCWW HMA Foul Water:	No
	DCWW HMA Clean Water:	No
	Compensatory Surface Water Removal:	No
Flood Risk	No	
Welsh Language Action Plan	Yes	
SINCS	No	
Other Informatives	Placemaking: Existing hedge boundaries to west and North to be retained and incorporated into public realm areas. Open Space: Existing equipped playground within site to be upgraded as part of the development with good pedestrian and cycle links to this.	

Neighbour comments:

The development was advertised on site with five site notices (on Min Yr Aber, 3 on Gower View Road and Heol Y Creyr Bach) on 1st May 2019.

10 residents have written in to object to the application and their comments are summarised below:

- * More houses in front of children’s playground would diminish the area – only green space available to the children and it is well-used
- * Increased traffic on a road system already struggling to cope would result in increased pollution – Brynafon Road is very busy
- * The roads of Min Yr Aber and Ffordd y Coegylfinir are very narrow (4.5m) and numerous Council employees have said the system in place is not sufficient to accommodate further development
- * Parking is already an issue in this small estate as people park on pavements – will be exacerbated

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- * No traffic calming measures on the route from Gower View Road to Min Yr Aber – would be used as a rat run
- * Min Yr Aber road is only 4.5m in width which is significantly deficient to deal with increased traffic flow resulting in safety issues notwithstanding the additional access requirements of the nearby nursing home
- * Increased traffic would result in increased chances of accidents and fatalities
- * Significant increase in traffic at spur of Ffordd y Coegylfinir and the private road serving 5, 7, 9, 11 and 13 Min Yr Aber a danger to pedestrians and residents
- * Junction of Frampton Road and Brynafon Road is always congested as this is where the convenience store is located
- * Vehicles parked on Brynafon Road make it hard to pass at certain times of the day – road narrows on approach to Min Yr Aber and is congested due to staff/ visitor parking for the nursing home
- * Transport statement fails to take into account upcoming developments in the area such as Parc y Werin School
- * 600 houses built in Gorseinon in the last decade with zero improvements to infrastructure – junction 47 of the M4 is increased
- * Further developments proposed at Parc Mawr and Bryngwyn Fields
- * Local GP struggling with population increases
- * Should build on the land by ASDA or land designated as a cemetery
- * Solicitors advised there were no plans to build on the grassed area at the front of the Llys Meredith estate
- * Reducing amenity to a social housing community
- * Area is already crowded and a new school would be needed
- * Gower View Road is already a rat run for the use of unlicensed motor vehicles
- * Safety concerns given that Min Yr Aber is built directly on to the pavement/ road – risk to children's safety
- * People park on double yellow lines (with blue badges) and on the pavement
- * Inadequate space for parking for those using the park
- * Access to Llys Meredith would become more dangerous
- * The proposals provide for a disproportionate type and mix of proposals which won't contribute to a well balanced housing mix
- * More houses are not needed
- * Safety issue due to bend on Gower View Road and location of park – green space should stay connected to the park
- * Loss of view from rear of properties on Gower View Road
- * Concern over impact on other birds in the area – could be reduced if 20+ houses are lost

Cllr Stevens:

"I understand this S73 application is only to extend the time period for a planning application that had previously been granted on the 23rd April 2010 (before either myself or my ward colleague were members of the Council).

However, I must raise initial concerns on the revised documents. Especially the grassed area in front of the play facilities, going from the illustrative layout document (I understand can be subject to change) the intention seems to be that the benches and zip line will be relocated/removed (It will not be the latter), this would not be welcome by myself, my ward colleague or the wider community.

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We have worked extremely hard alongside Parks and our Primary School to have this area put back to grass and become usable green space, to have this taken away from the residents of Penyrheol would be a travesty and not something we would stand idly by and allow to happen. This area has changed significantly from when the original submission was passed at planning committee in 2010.

While the greenspace provision within the application would be welcome, I do not see why the development has to cram in the additional housing at the entrance of Llys Meredith, alongside Gowerview Road.

If this area was always earmarked for housing since the original application then why were we allowed to carry on with improvements to bring it back to a usable green space alongside our revamped play area. We have also recently obtained grant funding to place a notice board at this location and have an agreement from housing that we can do so.

Once again, I will reiterate, this area has changed significantly in the last two years, and the proposed highway is near the existing play facilities which raise safety concerns. I suggest that a revised illustrative layout is submitted.

We would be happy to enter into a dialogue to ensure that this space is protected, ample play space is given and the concerns of the wider community are taken on board.”

Further Comments:

“I would like to point your attention to how the area looked pre and post 2017 (considering it was conveniently omitted from the Design and Access statement).

This shows how far we have come in transforming this area into a usable green space for our residents and we cannot stress enough how much work has gone into doing so. Also, Gorseinon Town Council obtained grant funding for a notice board to be placed at this location but due to this application, we have had to put it on hold until we find a location.”

Further Comments:

“We welcome the relocation of the Zipwire and benches (of course we would still prefer a larger green space in front of the play area if possible).

Item 3.1 of the D & A statement states essential project parameters are to construct a minimum of 130 new mixed tenure homes (with 150 highly desirable), yet the proposal is for 165 (10% more than “highly desirable”), in our opinion, there is scope to keep the green area in front of the play area.

The loss of this space totals almost 0.3 hectares. While there is provision granted within the development there are no accurate sizes given and policy states it must be better or least equivalent. We believe that the amenity space in front of the play area cannot be included with the green provision that has already been proposed within the development. For example, if the current amenity area in front of the play area is Y and the total green allocated space within the development is X then you must still include X within the development plus the addition of Y.

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This does not seem the case because there are green corridors included within the original planning application from 2010 (Brynafon Road Masterplan) and given the change of use of this area since 2017 it seems sensible to keep this space as amenity.

Further to this, given the lack of indoor communal facilities in Penyrheol it would be a welcome addition to have a small community centre included. The local Town/Community Council (or other community groups) could be consulted on taking over maintenance should this prove to be a barrier.

We must note that the parking provision for the play area is welcomed and would like to see it enhanced with traffic calming measures (road tables/plateaux).

Should these concerns be taken on board we would be happy to remove our objection.

TAN 16

Item 3.8 states - Sometimes, the retention and enhancement of facilities may best be achieved through the redevelopment or rehabilitation of a small part of a site, particularly where this would be related to playing field use, for example the provision of changing facilities, which would not adversely affect the quantity or quality of remaining pitches, or their use. Some forms of development, for example housing, may affect the use of remaining playing areas, and the possible benefits offered by such development should be weighed against the possible effects on open space, which may occur.

Item 3.9 states - In some circumstances better, or at least equivalent, alternative provision can be made available. This means that the replacement land or facilities should be equivalent to, or better than, that taken in terms of its capacity to provide for the area's needs. It will usually, but not necessarily, relate to its size, characteristics, location and accessibility. Such provision should be made available for use as soon as possible, if necessary linked to a planning agreement and to any planning permission which may be granted for the development or use of the playing field to be lost. Consideration should be given to the proximity and nature of any replacement site or facilities to the communities affected, particularly where these are deprived or disadvantaged, to their accessibility to the community as a whole, and to disabled people.

Item 3.12 states - Open space, particularly that with a significant amenity, nature conservation or recreational value should be protected. Local planning authorities should identify these areas in the development plan and establish criteria against which sites should be assessed if development pressures arise. It is important that urban vacant and underused land is not unnecessarily protected from development where the land is not of significant amenity, nature conservation or recreational value, as it may potentially relieve development pressures in more sustainable locations.

Policy SI 5 of the LDP states - will not be permitted on areas of open space unless:

- i. It would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or
 - ii. The substantive majority of existing open space provision on the site is to be retained and enhanced as part of the development and the functional use of the facility would be unaffected;
- or

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- iii. The development can provide appropriate open space provision, that delivers a wider community benefit and is provided in a suitable alternative location; or
- iv. A satisfactory financial contribution to compensatory provision is provided towards an acceptable alternative facility.

Cllr Curtice:

"I echo the comments made by my ward colleague. I seem to recall back in 2010 the original intention was to have the play facilities installed in the centre of the development. I believe s106 funds were reallocated in approx. 2016 to improve the existing facility instead.

Since then, however, there have been significant improvements to the area around the play facility to ensure residents have ample public green space to enjoy. The entry shown on the illustrative layout will seek to undermine all we have done to improve this area. We had further plans to set up a friends group to seek out grant funding to build a small community centre near this location, and while there is green space provision provided within site, there is no mention of a community use pavilion, something that Penyrheol desperately needs.

Unless alternative plans are provided and take into account our comments, and comments of the wider community then I see no reason not to object to the proposal.

Gorseinon Town Council:

"The Town Council has no objection to extending the time period for the submission of reserved matters but does object to the revised layout which indicates residential development on the green open space in front of the newly created Gower View play area and zip wire opened in 2018. Town Councillors supported the objections submitted by Penyrheol County Members Andrew Stevens and Jan Curtice in not wanting to see any development on this entrance area/ play area. In view of the size of the proposed housing scheme, it was also felt a financial contribution via S106 agreement should be made towards an additional play area within the housing site, traffic calming measures along Gower View Road and a financial contribution towards a new community centre in Penyrheol itself. Members also commented on the drainage problems that have been experienced in the development of the adjoining Persimmon site, for existing residents, and hoped these would not be repeated."

Consultations:

Placemaking and Heritage:

"With regards to the revised illustrative layout (following amendments to the proposed play area arrangement) I have the following comments which are related to the highlighted areas on the enclosed plan:

1. Questions are raised as to nature and rationale behind the southern entrance space given that this is a relatively large highway junction space connecting 3 branching streets. With this in mind will this end up becoming a roundabout type space?
2. Given these questions with regards to the nature of the space as well as the fact that the long views from the existing highway to the south still terminate at the deflected dwelling the bottom of the tree lined avenue due to this space being offset from the central vista then questions are also raised as to the effectiveness of this space in providing a good/strong termination of this vista and thus sense of arrival and identity to this section of the scheme.

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3. If the long view eastwards from the southern entrance space is proposed to terminate at the side elevation of the dwelling here then this dwelling will need to 'turn the corner' successfully with the side elevation being suitably active and interesting in terms of providing a good level of fenestration and detailing as well as ensuring a balanced pattern of fenestration.
4. Due to the orientation of dwellings in this location there is a relatively long section of side and rear boundary treatment here and as such questions are raised as to the nature of this inactive stretch in terms of its visual quality? It is recommended that this be a suitably robust boundary with further planting proposed to help visually soften and improve this. Furthermore it is noted that there is a triangular section of land to the southern side of the west facing dwelling and as such what is this for, is this associated with the dwelling or left over land?
5. Similarly there is an even longer stretch of side boundary in this location. It is noted that the gardens in this location are relatively generous and as such is there scope to turn the proposed 'backland' plots closest to the street so that these front the street whilst also providing the required access to the remaining backland plot?
6. In terms of the proposed central open space area the south eastern area of this appears somewhat fragmented and unresolved in terms of the connections across this to the blocks to the east and south of this.
7. The row of parking to the eastern side of the central open space lies opposite a T-junction as well as just to the north of 3 way junction and as such this is likely to cause highways conflicts and therefore be unacceptable to the Highways department.
8. The proposed focal (community) building adjacent to the central space will be highly visible on all sides, providing frontage onto both the highways and green space. As such this building will need careful consideration to ensure that this presents a good level of active frontage and design quality to all its elevations. As such consideration should be given as to the best layout/arrangement in order to minimise any potential dead zones in the elevations (e.g. 'back of house'/plant areas etc.).
9. The approach of providing a tree terminating the view to the north eastern corner of the central open space area is acceptable in principle, however the current plan shows this very close to and blocking view of the focal building behind. This presents a somewhat confused character to this space in terms of the tight spacing for the tree which diminishes this as a feature and in terms of raising questions as to whether it is intended to block the view of the central 'focal' building? Given these questions further consideration should be given to the intended character of this south facing vista and the amount of appropriate spacing between the tree and the building.
10. The row of dwelling which make up the north eastern face of this block is set further back from the street (assumed to be as a result of the required buffer to the play area), however this result a fragmentation of this block which creates an incongruous relationship character with the street in comparison to the remainder of the scheme and furthermore creates an awkward visual relationship between the southernmost of these dwellings and the easternmost dwelling of the entire block. In addition to this it is noted that there is a left over area of land between the northernmost of the dwellings in the aforementioned row and the westernmost of the dwelling of the north facing row of the wider block. Further consideration should therefore be given to the layout arrangement for this block to address these issues.
11. What is the rationale behind this set back area?

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12. The dwelling in this location currently faces south onto the aforementioned set back area, however as this would form part of the existing streetscene along Gower View Road this dwelling should be re-orientated to face eastwards in order to match and enhance the layout character of this existing context and better integrate the scheme into the wider pattern of development.

Highways:

“No objection subject to conditions.

This application concerns an extension of time for the submission of reserved matters on outline consent 2005/2355 granted in April 2010.

The 2010 permission was subject to a planning condition for a single looped vehicle access from Gower View Road. This application site is in accordance with the condition, with access to this portion of the site via a priority junction off Heol Y Creyr Bach and extension of Ffordd Y Coegylfinir.

The original outline application was accompanied by a Transport Statement which assessed the capacity of the access junctions. This Transport Statement contained future year analysis for 2018 (year of development +10), as is standard practice.

Following discussions with the applicant it was agreed that given the time which has elapsed since the original application, and that we are beyond the future year analysis; that a refreshed Transport Statement should be produced to accompany this section 73 application.

Trip rates have been calculated based on 165 dwellings with a 70/30 split of affordable and market units, this results in a unfettered vehicular trips of 66 two way in the AM peak and 78 two way trips in the PM peak.

The traffic model of the Frampton Road / Brynafon Road junction has been updated and scenarios modelled for the base year 2019, and 2029 scenarios including the development traffic.

The model has been verified and is correct, outputs show a worst case (2029 + dev) ratio of flow to capacity of 0.55. This equates to 45% spare capacity within the junction.

Section 106

The 2010 permission contained a requirement to fund the addition of pedestrian crossing points at the Frampton Road / Alexandra Road traffic signals, this was undertaken as part of the Road Safety Grant funding in the period between the original submission in 2005, and the permission being granted in 2010.

Also included were off site works to provide a crossing on Frampton Road near Penyrheol school, this was undertaken as part of a Safe Routes to Schools scheme.

Signalisation of the Frampton Road / Pen Cae Crwn Road junction, which the Highway Authority would now not wish to undertake.

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The provision of a bus stop on Gower View Road, which should be included as a requirement of this permission.

A crossing on Frampton Road near the junction of Brynafon Road has been funded via s106 on the Northern portion of the site.

Recommendation

I recommend no objections to the proposals subject to:

1. Alterations to the existing public highway will be constructed via a Section 278 agreement with the Local Highway Authority.
2. 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 private management and Maintenance Company has been established.
3. Prior to any works commencing on site a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. The approved traffic management plan shall be adhered to at all times unless otherwise agreed by the LPA.”

Further Comments:

“The original Transport Statement was based on a 70/30 split of affordable housing vs market housing, this Technical Note assesses the likely level of trip generation for a 15/85 split. The total number of potential dwellings remains the same at 165.

The change to the type of accommodation will result in a change in the trip rate, this has been assessed using the Trics database. The selection criteria have been checked and are thought to be correct.

This results in an additional 17 vehicles movements during the AM peak hour and 13 in the PM peak, this will not result in any material change to the operation of the access junctions or surrounding network.

I am content that the change in dwelling type will not alter the recommendations previously submitted.”

Ecology:

“Outcome of Ecological Investigation

Relevant documents received and reviewed:

Preliminary Ecological Assessment, TACP, Aug 2016

Protected Species Surveys, Hawkeswood Ecology, Nov 2017

Further protected species surveys, Hawkeswood Ecology, June 2019

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Following a telephone discussion with Eric Hawkeswood on 22/5/19 and receipt of the updated protected species surveys report (June 2019), the subsequent ecological comments apply:

Bats

The reports highlighted that the site boundaries are used by commuting and foraging bats. A possible roost exists in housing to the east of the site. It is noted that dark routes/corridors are proposed to allow bats to continue to cross the Site and access the northern and western boundaries, maintaining connectivity to other nearby habitats and to roosts in the adjacent housing. The recommendations made in section 8 of the June 2019 report (sections 8.2-8.7) must be adhered to, thereby ensuring this connectivity.

Condition:

Pre-construction/site clearance checks for bats and nesting birds in buildings due for demolition must be undertaken.

Condition:

As new bat roosts may establish during the interim period, an updated detailed inspection of trees (identified in the 2019 report), is required to be undertaken immediately prior to felling. If roosts are confirmed within any of the trees subject to impacts by the proposals, then it will be necessary to obtain a mitigation (development) licence from NRW prior to works commencing, with sufficient replacement roosting habitat provided as mitigation.

Condition:

If there is potential for bats roosting within the site trees, a precautionary soft felling methodology is required to be adopted. This work must be undertaken by a suitably qualified arboricultural contractor with experience of working with bats, with the advice/under supervision of a NRW bat licence holder.

Please also include the following informative:

Please note that all British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal. If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

Breeding/nesting birds

Please include following informative:

Please note that it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds)

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built
- Take or destroy an egg of any wild bird
- Disturb dependent young (schedule 1 birds)

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Condition:

No clearance of trees, hedgerows, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to early September inclusive. (as per 8.8 of 2019 report)

Condition:

Pre-commencement checks for active nests will be required prior to any vegetation clearance occurring during the main bird breeding season, with appropriate buffers marked out around active nests or nests under construction, until all eggs have hatched and chicks fledged. (as per 8.8 of 2019 report).

Hedgehog

Records show that there is the potential for hedgehogs to be present in the area, with records existing from within 150m of the site. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.

Condition:

All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

Condition:

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points (as per 8.15 of the 2019 report). See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Dormouse

Please include the following informative:

Dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Consequently, it is an offence to intentionally or recklessly kill a dormouse, disturb a dormouse whilst it is occupying a resting place or breeding site.

Condition

Pre-commencement Site Check

As there may be suitable habitat on site, the following procedure is essential. Immediately prior to the commencement of any pre-construction/enabling works onsite, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine any significant changes to those habitats supported by the site with respect to dormouse. The purpose of the site walkover is to determine whether any further, species-specific working methodologies or a Dormouse Mitigation Strategy document will be required. The survey results and proposed mitigation must be submitted to the LPA for approval prior to construction.

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Reason:

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.

Reptiles

The 2017 survey highlighted a small population of slow worm and grass snake recorded on the site, with the northern hedgerow being particularly important for these species. The updated 2019 surveys also recorded a low population of slow worm and grass snake.

Please include the following informative:

Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

Condition:

Pre-construction checks for any reptile species are required to be undertaken.

Condition:

Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).

Condition:

A Reptile Translocation/Mitigation Strategy is required (as per sections 8.9-8.12 of the report) to be submitted to the LPA for approval. This methodology must be adhered to.

Reason:

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.

Trees

Efforts should be made to retain trees within the development. Details are required of what trees will be lost or retained.

Condition:

The important north and western site boundaries along with as much of the scrub woodland area at the east of the Site as possible should be retained (as per section 8.3 of the 2017 report). These areas must be protected during construction works. These measures will help retain areas of the Site important for commuting and foraging bats.

Hedgerows

As hedgerows are a priority habitat, efforts should be made to retain and enhance these within the development, particularly on the northern and western boundaries, as outlined in the surveys. Retained hedgerows should be buffered from surrounding development, and not incorporated into domestic boundaries. Protection of the hedgerows and adjacent areas must be agreed with the LPA and established prior to any works commencing.

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Condition

A Hedgerow Management Plan is required to be submitted to the LPA for approval, detailing measures/methodology for the retention, enhancement and creation of the hedgerow resource.

INNS

As Japanese knotweed is present on site, an updated pre-construction INNS survey is required together with an INNS strategy for the site. A method statement for removal of any INNS must be submitted for agreement with the LPA (as per 8.14 of the 2019 report).

Condition:

Notwithstanding the details contained within the submitted Ecological Report, if, prior to the commencement of development any Invasive Non-Native Species (INNS) listed within Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are identified on the site, no further development shall take place until a method statement for the removal of the INNS has been submitted to and approved in writing by the LPA. The scheme shall be implemented in accordance with the approved method statement.

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

Protected sites

The development site is approximately 370 metres from the Burry Inlet and Loughor Estuary SSSI. I would therefore draw your attention to the Council LDP policy and in particular to:

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation. Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met relating to need and impact mitigation/compensation.

As assessment must be undertaken of possible impacts of the proposed development on the SSSI, together with proposed mitigation measures – see also CEMP paragraph. This must be submitted to the LPA with any application.

Ecological Management Plan

An Ecological Management Plan for the entire site is required to be submitted to the LPA for approval. This site-specific document must outline processes and instructions to manage the site, and its operations, in such a way so as to protect and enhance the biodiversity and ecology of the site, and surrounding area. The works and other measures forming part of the plan shall be carried out in accordance with it.

Condition:

The Ecological Management Plan must be placed as a condition on any planning permission granted.

Condition:

An Ecological Clerk of Works must be appointed for the duration of the works (as per 8.1 of the 2017 report).

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Reason:

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.

Lighting strategy

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species.

In particular, the lighting strategy must detail measures to ensure that dark corridors remain and that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance.

Condition:

The lighting strategy must be placed as a condition on any planning permission granted and must be agreed with the LPA.

Landscaping

A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and a plan for aftercare. The use of native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats. As per the 2019 survey report, landscaping should include areas of fruit bearing scrub, trees and open areas to form a mosaic of habitats that will provide suitable foraging habitat for the protected species on Site.

Condition:

The Landscape and Planting Scheme must be placed as a condition on any planning permission granted.

Construction Environmental Management Plan (CEMP)

The Construction and Environmental Management Plan (CEMP) documents the systems and controls to be adopted to minimise any adverse environmental effects during construction. The CEMP must be adopted by all Contractors and Sub-contractors working on the development to ensure a consistent and coordinated approach to construction management and to manage environmental impacts.

A detailed CEMP is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures relating to nearby water bodies, (particularly regarding the Carmarthen Bay and Estuaries SAC and Burry Inlet SPA, and the Burry Inlet and Loughor SSSI), for the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the PPMS shall be implemented as approved.

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Reason

Prevent pollution of controlled waters and the wider environment.

Green Infrastructure

LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The LDP policy now requires that compensatory measures should maintain and enhance the green infrastructure network. The policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.

The submission of drawing reference edp4783_d031a (9/5/19) GI Strategy is acknowledged. However, many features are associated with SUDS, and no comprehensive survey of the sites' green infrastructure provision has been provided.

Condition:

In order to effectively implement LDP Policy ER 2, a green infrastructure assessment is required to be submitted to the LPA. This must be placed as a condition on any planning permission granted.

Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3 states that 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'

In addition, The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). Under this Duty, development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006, every public authority has a duty to "have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Paragraph 2.1 of TAN 5 also states that the town and country planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1);

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species would also be desirable, together with hedgehog friendly fencing.

Section 8.16 of the 2019 report has recommended that integral bat and bird boxes will be used in the new construction. Bat tubes will be located on building near the northern and western boundaries and bird boxes, in particular swift and house sparrow boxes on a number of houses throughout the development.

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Condition:

Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted on architectural drawings and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason:

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.”

A Habitat Regulations Assessment is required for this application, the details of which will be reported verbally at Planning Committee.

Trees:

“No objection.

The trees around the site appear to be incorporated within the layout with suitable separation between trees and proposed dwellings.

The detailed application will show any conflicts that can be designed out or mitigated at that stage.”

Drainage:

“We have no concerns with the extension of time application; depending on the timing of submission of any reserved matters application this will be dealt with under either Condition 15 or Schedule 3, Flood and Water Management Act 2010.”

Education:

“Review of the effect on Catchment Schools of Proposed Development: -

1. Planning Application: 2019/0911/S73 - Land West of Gower View Road & North of Brynafon Road, Penyrheol, Swansea. Residential development of (165 mixed use tenure dwellings comprising of 13 x 1 bed flats, 10 x 1 bed apartments, 66 x 2 bed dwellings, 37 x 3 bed dwellings, 25 x 4 bed dwellings & the remaining 14 dwellings will be a mixture of 2+ bed dwellings. 142 dwellings used in the SPG calculation only for 2+ beds and above), incorporating public open space and new access roads from Gower View Road and Brynafon Road (Outline).

2. Catchment Schools, capacity and projected capacity

2.1. The development is in the Penyrheol Ward, and the catchment schools are:

	Catchment schools	Number of unfilled places January 2019	%
English Medium Primary	Penyrheol Primary	79	25.90%

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English Medium Secondary	Penyrheol Comprehensive	104	10.67%
Welsh Medium Primary	Y.G.G. Pontybrenin	5	1.00%
Welsh Medium Secondary	Y.G. Gwyr	104	9.73%

3. Demountables – It should be noted that there are currently 1 x double demountable in Penyrheol Comprehensive, 3 x double demountables in Y.G.G. Pontybrenin and 1 x single, 3 x double demountables in Y.G. Gwyr.

4. SPG Pupil Generation:

Penyrheol Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
WM 12.9%			12.90%		87.10%	
Primary	44.02	£456,575.44	6	£62,232.00	38	£404,508.00
Secondary	31.24	£495,091.52	4	£63,392.00	27	£427,896.00
Post 16 provision	5.68	£96,633.84	1	£17,013.00	5	£85,065.00
Total		£1,048,300.80		£142,637.00		£917,469.00

5. Existing Commitments

School	Pupil numbers	PA – Description
Penyrheol Primary		
	2	Rollalong Site, Gorseinon
Penyrheol Primary Cumulative Total	2	
Penyrheol Comprehensive		
	3	Land at Ffordd yr Afon
	6	Land at Heol Pentre Bach,
	1	Rollalong Site, Gorseinon
Penyrheol Comprehensive Cumulative Total	10	
Y.G.G. Pontybrenin		
	6	Beilli Glas, Glebe Road, Loughor
	3	Former Walkers Crisp Factory
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	66	Land North of Garden Village
	1	Land off The Croft, Castle Street, Loughor

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Y.G.G. Pontybrenin Cumulative Total	79	
Y.G. Gwyr		
	4	Beilli Glas, Glebe Road, Loughor
	3	Former Cefn Gorwydd Colliery,
	2	Former Walkers Crisp Factory
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	1	Land Off Summerland Lane, Newton
	4	Land South of Glebe Road,
	1	Land South of Pen y Dre,
	5	Land to North of Bryn-y-Mor Rd
	1	Land to rear of 188 St Teilo St., Pontarddulais
	2	Land off Lon Masarn, Cefn Coed Hospital
	1	Land at The Yard, Cambrian Place, Pontarddulais
	1	Land off The Croft, Castle Street., Loughor
Y.G. Gwyr Cumulative Total	28	

6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Penyrheol Primary	315	97.65
Penyrheol Comprehensive	1430	314.6
Y.G.G. Pontybrenin	% of above and other developments	
Y.G. Gwyr	% of above and other developments	

7. Position of capacity:

7.1 Primary:

7.1.1. English-medium: the English medium primary (Penyrheol) currently has 25.90% surplus capacity.

7.1.2. Welsh-medium: the Welsh medium primary (Y.G.G. Pontybrenin) currently has 1.00% surplus capacity.

7.2. Secondary:

7.2.1. English–medium: the English medium secondary (Penyrheol Comprehensive) currently has 10.67% surplus capacity.

7.2.2. Welsh-medium: the Welsh medium secondary (Y.G. Gwyr) currently has 9.73% surplus capacity.

8. Requested Contribution: whilst there was previously no agreed education contribution, the following is now requested due to the implications of this development and the schools capacities at this current time.

8.1. There is no request for a developer's contribution towards Education in respect of the English medium primary school (Penyrheol Primary). The CIL regulations do not support any contribution as there are spaces available at the school.

8.2. There is no request for a developer's contribution towards Education in respect of the English medium secondary school (Penyrheol Comprehensive). The CIL regulations do not support any contribution as there are spaces available at the school.

8.3. There is a request for a developer's contribution towards Education in respect of the Welsh medium primary school (Y.G.G. Pontybrenin) of £62,232 due to the limited capacity at the school and existing commitments.

8.4 There is currently no request for developers contributions towards the Welsh medium secondary school (Y.G. Gwyr)."

Housing:

LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability. The most recently published Local Housing Market Assessment 2013 (updated 2015) identifies an affordable housing requirement of 7,400 dwellings across the County, with the Greater North West zone having the highest requirement for growth over the LDP period with a need for affordable housing.

In this case the application is in the Greater North West Strategic Housing Policy Zone where the target is for a minimum of 15% of the total number of dwellings provided on site to be affordable homes. This scheme is being supported by the Housing Service and Welsh Government with grant funding through the Programme Development Plan, this site proposes a higher % of affordable housing than the H3 Policy target, but for the purposes of the Section 106 it should be conditioned to have a minimum of 15% onsite.

The LDP affordable housing target supply of affordable homes for the term of the plan is 3,310, indicating a shortfall in the number of affordable housing required as demonstrated by the Local Housing Market Assessment, therefore this higher % of affordable housing on this site is welcomed. This site is proposing a mix of market and affordable housing for rent and sale, making housing accessible for all, creating a sustainable community.

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The affordable housing must be built to DQR standards and should be a mix of property sizes and affordable tenure (social rented and intermediate tenure). The housing should be integrated into the overall development and should not be obviously segregated through location, layout or design.

Parks:

“With regard to the above mentioned Planning Application, having looked at the attached documents of the proposed development, I wish to make you aware of the following observations which I wish to be taken into consideration:

* Public Open Space - A large area of open space is proposed within the site, if we are required to adopt any POS/trees a commuted sum will be required from the developer for any future maintenance.

* Outdoor Play – The addition of play provision in this area is acceptable to the Parks Service, we would however require further details of the design and layout of the proposed facility and details of the supplying manufacturer prior to approval. In principle we have no issues with adopting any Play facility (if that is what the developer proposes) providing an appropriate Section 106 contribution is received.

* An access road to the development is proposed to be created through the POS and adjacent to the play facility on Gower View Road/Heol Y Creyr Bach, we have reservations on this proposal due to the play item (Zip Wire) and picnic benches that are currently located on this area.”

Further Comments:

“The Parks service are happy with the developer’s proposal to re-locate the Zip Wire and 2 picnic tables at the rear of the existing play area (as discussed at our meeting on 15th May with the developer), the cost of relocation to be met by the developer.”

Natural Resources Wales (NRW):

“Whilst we have no objection in principle to the time extension for this application, we refer you to our comments on ecology below.

Ecology

Protected Species

We note that the application seeks to vary conditions 1, 3 and 4 of planning permission 2005/2355 to extend the submission time for these conditions.

The extension of time application has been supported by the submission of the ‘Preliminary Ecological Appraisal’ by TACP, dated August 2016 and following the results of that report, the submission of ‘Protected Species Surveys – Land at Gwynfaen Farm, Gorseinon’ by Hawkeswood Ecology, dated November 2017.

The Hawkeswood Ecology report rules out the use of the site by Dormice, in agreement with your Local Authority’s Ecologist, however notes that bats are commuting and foraging over the site. The report notes the presence of areas of mature woodland, scrub and hedgerows along with individual trees on site, and confirms that although the TACP report recommended tree roost inspections in section 6.1, these were not able to be carried out in 2017. Section 6.4 of the 2017 report states that “At this time there are no specific proposals for the Site, but it is expected to be utilised for residential development”.

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Section 6.12 notes that a detailed tree roost survey should be undertaken once outline or detailed plans are available showing which trees are likely to be lost or retained. This is further supported in section 8 under the Recommendations section. It is therefore concluded that an assessment of the potential for bats roosting in any trees on site has not been provided in support of this application at this stage, and we are therefore not currently able to provide any advice on bats at the site.

We therefore recommend that you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of any European Protected Species (EPS) being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) updated ecological surveys may be required.

Any survey updates deemed required for the site should be carried out by appropriately licensed ecologists, following best practice guidelines. Please consult us again if any survey undertaken finds that EPS are present at the site and you require further advice from us.

Proposed Scheme Masterplan

The 2017 report also makes several recommendations to be taken forward on any proposed design at the site relating to; the retention of scrub, hedgerow and woodland areas, to continue to allow bats to forage and commute on site; the provision of dark corridors and artificial lighting considerations from both street and house lighting; and fencing barrier provisions between gardens and retained hedgerows to reduce lighting and fly tipping.

An 'Illustrative Layout' (dated 15 April 2019) and 'Concept Masterplan' (dated 10 April 2019, both by edp, have been provided in support of the application. The recommendations made in the 2017 report do not appear to have been taken onboard as part of the site's design, with large areas of woodland removed to facilitate the development, limited boundary retention, and hedgerows being removed. We recommend that your Authority's Ecologist is firstly consulted over the acceptability of the plans for the site in relation to the 2017 report recommendations, and with reference to planning condition 9 of planning permission 2005/2355.

In addition to this, the original planning report refers to one of NRW's legacy bodies' comments (Countryside Council for Wales) which noted that the original ecological report indicated that otters were using the corridor along the stream which functions as a link between favourable habitats or feeding areas. Whilst we do not know which ecological report this refers to; the advice was that the stream corridor should be retained within the scheme. The Masterplan shows a small area of retained boundary near the stream however it is unclear how much riparian buffer has been provided here. We therefore recommend that this is also discussed and agreed with your Authority's Ecologist and refer you to our advice on consideration of further EPS surveys required as above.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

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We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. 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):

“Dwr Cymru Welsh Water (DCWW) were consulted on the original application (Ref: 2005/2355), for a residential development, and by response (Ref: 2005/HCON/28601) recommended conditions and advisory notes including reference to a point of connection into the public sewerage system.

Notwithstanding this, our response also advised that the existing water supply network would require off-site reinforcement works to ensure the proposed development site could be served by an adequate water supply. We acknowledge that the application was granted outline planning permission, subject to conditions requiring a foul drainage scheme (No. 14) and surface water regulation system (No. 15), and subsequently approval of reserved matters (Ref: 2012/1113) for 22 dwellings.

As part of this latest consultation, we acknowledge that the application (Ref: 2019/0911/S73) seeks variation of conditions 1, 3 and 4 on permission 2005/2355 to enable an extension of time for the submission of reserved matters on the remaining site area. In principle, we offer no objection subject to conditions 14 and 15 being maintained on any new consent granted for the development. Nonetheless, having regard to our comments (Ref: 2005/HCON/28601) on the original application, we remind that offsite reinforcement works are required to the existing water supply network.

Accordingly, if you are minded to grant Planning Consent for the above development, we respectfully request that the following Condition and Advisory Notes are also included within the new consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

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).

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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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times."

Glamorgan Gwent Archaeological Trust (GGAT):

"The supporting documentation includes an archaeological desk-based assessment; prepared by Archaeology Wales (dated April 2018, reference 1674). This has gathered information from appropriate sources relating to the application area, and a surrounding study area. No archaeological features or sites were known within the development area, and no new sites were identified during the assessment process. The assessment concludes that there are no designated, and no non-designated, historic assets that would be adversely affected by the proposed development.

The assessment process and the report meet current professional standards. We concur with the results, and in this case do not recommend any further archaeological mitigation."

CADW:

"Thank you for your letter of 29 April 2019 inviting our comments on the consultation submitted for the above mentioned proposal. Having carefully considered the information provided, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected. We therefore have no comments to make on the proposed development."

Police Designing Out Crime Officer:

"I am pleased with the site layout. All the footpaths are to the front of the properties and are safe as they are overlooked and the vehicle parking bays are within curtilage and/or overlooked.

Entry onto the estate must be restricted to the designated routes. Defensible space using symbolic barriers e.g. pillars, rumble strip, or a change of road surface, i.e. colour or texture, should be built into the design to encourage a feeling of territoriality amongst users especially at the entrances to the development.

There should be a change of surface, i.e. colour or texture to identify public areas from private or semi-private areas e.g. the footpaths from the driveways/front gardens. Preferably front boundaries would be identified by low walls and gates.

Play areas must be located where they are afforded good natural surveillance from residents to provide protection for the young children using the areas (as per drawings). This reduces the risk for the area being targeted for anti-social behaviour when not in use."

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Additional design advice made regarding the following: landscaping and planting; side and rear boundaries; vehicle parking; play areas/ green spaces; garden sheds; bin stores; bicycle stores; security lighting; drainpipes; public utilities; blank walls; garage; door security; window security; access control; intruder alarm system; and identification of properties. See full comments on application page.

APPRAISAL

This is a S73 application to vary/ remove conditions 1, 3 and 4 of planning permission 2005/2355 for a residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road relating to the time for the submission of Reserved Matters, compliance with the approved Design and Masterplan documents and timescale for implementing the development.

The majority of the site is allocated for housing under Policy H1 (H1.31 with an indicative threshold of 225 units) and the remainder of the site is white land in the Adopted Swansea Local Development Plan.

Main Issues

Section 73 of the 1990 Act provides that application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a local planning authority may only consider the “question of the conditions”. However, in terms of decision making a S73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary. It may also be necessary to update the conditions attached to the original permission.

The main issues to consider in the determination of this application relate to the principle of the use, the placemaking approach adopted, ecology, drainage and impact on highway safety, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

Residents have commented that they were advised that there were no plans to build on the grassed area in front of the play area and more houses would diminish the area as this is the only green area available for children and is well-used.

The site has previously had outline planning permission in 2010 and was previously allocated for housing in the Unitary Development Plan but since the previous application was determined, the UDP has been replaced with the Adopted Swansea Local Development Plan (LDP).

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Part of the site (the WG owned land to the west) is allocated for housing within the Adopted LDP (Policy H1. 31) with an indicative capacity of 225 dwellings. The principle of residential development on this section of land is acceptable. The proposal has introduced a community centre use within the site which is welcomed as it would provide a community focal point and a resource for residents of the existing community and future residents of this development. Local residents, along with the Town Council, have stated that a community centre is needed in the local community. This would be limited to 285m² by condition and the parameters for the building are considered acceptable.

However, the adjacent Council owned land is white land within the LDP and the principle of residential development in a residential area such as this is therefore considered acceptable subject to meeting the criteria of the relevant planning policies.

Protection of and Provision of Open Space

LDP policy SI 5 seeks to protect existing open space whilst policy SI 6 seeks to ensure new development has sufficient open space provided for future residents of the development and both policies reference the Open Space Assessment. The Council owned part of the site was identified as a park and garden within the Open Space Assessment prepared to support the LDP and the park was indicated to be in a poor condition at that time. The remainder of the site is not identified within the Assessment.

Whilst the local Councillors welcome the relocation of the zip wire, they consider that the loss of the amenity space in front of the playground should also be compensated for. The Councillors consider that 0.3Ha of space would be lost but this does not include the aforementioned overgrown area to the south of the play area (rear of properties on Gower View Road). The Councillors reference TAN 16: Sport, Recreation and Open Space (2009) which supplements Planning Policy Wales and LDP Policy SI 5.

It is unclear why the Council owned section of land was designated as a park/ garden in the Open Space Assessment as the vast majority of the area is overgrown in the main based on photographic evidence (between 2008-2011 at the time of the survey). The site had a mown section to the play area but was inaccessible apart from this. In addition, the site received planning permission for residential development in April 2010. Notwithstanding this, the site was identified as Accessible Natural Greenspace (ANGS) in the assessment and will be considered as such.

At the current time, the northern part of the site is used as informal open space and local residents use the site for amenity purposes. SI 5 states development on open space would not be permitted unless it would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or the substantive majority of existing open space provision on the site is to be retained and enhanced as part of the development and the functional use of the facility would be unaffected; or the development can provide appropriate open space provision, that delivers a wider community benefit and is provided in a suitable alternative location. Where this can't be achieved, a satisfactory financial contribution would be sought to ensure compensatory provision is provided towards an acceptable alternative facility. The protection of open spaces (formal and informal) is also identified in PPW 10 (4.5.3 and 4.5.5) and Policy SI 5 provides a criterion based policy to consider this.

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It should be recognised that in terms of formal play provision, the existing park would be retained in situ and the existing zip wire would be relocated to the opposite side of the play area to facilitate the access to the site as per the amended Concept Plan which is discussed further in the following section. A parking area and amenity area with benches is also shown on the opposite side of the area. It should be noted that the park itself was upgraded with S106 money from this development itself, albeit that the park was intended to be created in a central location within the development. The proposed amendment to the formal equipped play provision is considered acceptable and the same facilities would be retained in almost the exact same location thereby not causing or exacerbating a deficiency in the area.

With regards to informal open space, Policy SI 5 refers to the Open Space Assessment that supports the LDP. This document identifies that the loss of parts of this area (not all of it as a section of woodland would remain in the southern half of the site itself along with the park / amenity area) may decrease accessibility for some residents to ANGS. However, as a Ward, there is significant overprovision of ANGS, 21.5Ha, although this is predominantly located in the north of the site. Therefore, it is considered that the deficiency in access to open space would be marginally exacerbated (criterion i). In addition, the substantive majority of the open space (as defined in the Open Space Assessment) would not be retained, but the functional use of the area would not be significantly affected.

Notwithstanding this, the development would create several additional formal and informal areas of open space that is considered to provide a wider community benefit than that of the existing open space. The existing open space area provides a couple of benches in front of the play area and a condition of any consent could require these facilities (along with the zip wire) to be relocated in a timely manner. Whilst the northern section of the open space has been improved and is now being maintained to provide an attractive open space, the southern half is not useable open space and has been taken over by poor quality vegetation and scrub. 1.75Ha of open space would be provided within the site overall which is considered appropriate, would deliver a wider community benefit by providing higher quality areas of open space at various locations within the site and in suitable alternative locations (a maximum of approximately 150m from the edge of the existing spaces). The proposal would include a Local Equipped Play Area, a central green area that would function as a LAP and provide a quantum of open space above that recommended in total by Fields in Trust which is 3.4ha per 1,000 population. Whilst no formal parks/ gardens would be provided, sufficient natural and semi-natural greenspace and amenity space would be provided. The Parks Officer has raised no objections to the proposal but has stated that commuted sums would be required for the Council to take on maintenance of the areas of open space.

One resident has commented that safety is an issue due to a bend on Gower View Road and the location of the park as vehicles speed around the corner, but the indicative layout indicates that the amenity area in front of the park would be relocated further away from this corner which would reduce the potential for this conflict. The resident states that the green space should remain connected to the park and this would be secured by condition.

The proposed development would provide a central area of open space along with informal space along the edge of the development for informal use and to provide links to the adjacent PROWs with public links through the site, green streets and a smaller area of open space in the south. The proposal is therefore considered to comply with policies SI 5 and SI 6 of the LDP.

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Placemaking Approach

Policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this.

The original Design Statement and Masterplan split the site into 3 distinct elements, Site A (in WG ownership), Site B (in private ownership – known as Llys Meredith) and Site C (in Council ownership). Site B has already been developed in its entirety. Site A is the area included within allocation H1.31 and Site C is white land in the LDP – these are the sites subject of this application. The residential design strategy for site A indicated between 150 and 200 units with the strategy for Site C indicating between 40 and 70 units. The indicative capacity within the application site as a whole was therefore between 190 and 270 units. 30 dwellings have already been constructed on site.

The indicative capacity in the LDP indicates 225 dwellings on part of the site, however this was considered before the SuDS legislation was introduced. The Local Councillors have indicated that a reduction in numbers of units would allow additional open space to be retained. Whilst this is the case, it is considered above that the impact on the open space within the area is acceptable in the first instance and the proposed development strikes an appropriate balance between the number of units on site to ensure the efficient use of land whilst providing a development that fits in with its surroundings. The proposal provides for approximately 165 units. When considered with the existing units on site, this provides a total towards the lower end of that envisioned within the Design Statement and Masterplan, however it should be noted that legislation changes has had an impact on the masterplan through the requirement for SAB (SuDS Approval Body) approval requiring on-site storage and attenuation.

In terms of similarities with the original masterplan, the previous application proposed two main accesses with one located off Brynafon Road in the south and one proposed off Gower View Road with the latter access provided for the Persimmon development to the north (Heol y Creyr Bach leading to Heol Pibydd and Heol y Rhofiad). The previous development proposed a central green space/ play area within the development to replace the existing play area which had fallen into disrepair until it was recently upgraded and the development proposed an outward facing edge to the east with the retention of the boundary trees along this side.

The Local Members have objected to the proposals on the basis that the play area (which comprises a recently upgraded equipped play area enclosed in fencing, a zip line and several benches in front) would be partially lost as a result of indicative layout with the removal of the zip line and benches. The issue in terms of the quantum of open space lost/ provided as a result of this development is addressed in the section above. However, the revised layout also needs to be considered in terms of the location of the play provision.

The Councillors also query why more dwellings need to be crammed in at the entrance to the site given that they have worked hard with the Parks department and local schools to bring this area back into a useable green space. These concerns are echoed by the Community Council.

The current situation is clearly regrettable. The original park was in a state of disrepair in a location that was not overlooked and did not encourage children/ parents to utilise it.

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In addition, as the Councillors note, the park was intended to be relocated into the centre of this development site as part of the proposal but a contribution was provided as part of the previous S106 agreement instead. In addition, the northern part of the site (Site B in the masterplan) has been developed and created an access route in close proximity to the park and the developer was obligated to provide a new access spur to serve this development, which ran to the east of the existing park (where the zip line has been installed), but this has not been provided.

However, the S106 contribution for the new play area provided by the applicant as part of this development has been used to upgrade the existing equipped play area, provide a zip line and seating area and potentially frustrate the same development as originally envisioned. The development could not progress in accordance with the original masterplan at the current time and there would be issues for the northern part of the site in terms of layout if the approved access is not utilised for this development bringing the road in close proximity to existing residences on Gower View Road and resulting in an awkward arrangement around the park.

The concerns of the Councillors, Community Council and residents in terms of the loss of the play facility are noted but as outlined above, the equipment would be relocated and it is important that the zip line and equipped play area are not split up as they provide an attractive facility given their co-located nature. Discussions have been held with the applicant and the Parks department and the applicant has advised that they intend to relocate the zip line to the opposite side of the park at their expense and provide a seating area as well. It is considered that the revised layout offers an acceptable compromise that ensures the facility that appears to be well utilised by the local community to be retained in a similar form to the existing situation and does not impact significantly on the development layout as proposed in the masterplan. The Design and Access Statement, Concept Masterplan and indicative layout have been updated to show this revised arrangement which is considered acceptable in principle. The Parks Officer is agreeable to the proposals in terms of the revised location of the facility.

The Council's Placemaking and Heritage Officer has reviewed the proposals and raises no objections with the proposed concept masterplan but considers that the southern key nodal space needs to be refined further as the indicative masterplan would not provide for an appropriate gateway to the site and this could be considered further as part of any subsequent reserved matters application. Similarly, the Officer has raised several minor issues with regards to the indicative layout but this has been submitted for indicative purposes and any detailed layout would be subject to a subsequent reserved matters application in any event. These comments have been provided to the applicant so that they can consider them prior to submitting any subsequent application should permission be forthcoming.

The proposed development is predominantly residential in nature but a community use has been proposed at the centre of the site and comments have been received that there is a need for a community facility such as this. A use such as this is considered acceptable in a residential area. The indicative layout is appropriate for a site such as this and there are connections back to the existing area providing for alternate routes and links in to the existing community and PROW network to the west. Different approaches are proposed with regards to the streets within the development which would have different characters and provide various legible routes through the site. The site has several different areas of open space that are well overlooked and provide different functions with a key space located adjacent to the proposed community centre in the centre of the site.

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The existing play area would also be overlooked which is important to ensure it does not attract crime and anti-social behaviour.

The Police Designing Out Crime Officer has advised that he is pleased with the indicative site layout. All the footpaths are to the front of the properties and are safe as they are overlooked and the vehicle parking bays are within curtilage and/or overlooked. The play areas would be afforded good natural surveillance from residents to provide protection for the young children using the areas and this reduces the risk for the area being targeted for anti-social behaviour when not in use. Comments about designing in a feeling of territoriality amongst users and changing surfacing materials would be considered as part of any reserved matters application.

The proposed concept masterplan differs from the originally approved plan in that the density is towards the lower end of the anticipated density but this has been led by the need to provide green infrastructure and SuDS into the layout which appear to have been incorporated in an acceptable manner. The concept adopted was to provide a more organic rural development rather than a straightforward suburban extension and take advantage of the opportunities available in terms of views overlooking the estuary and provide a central green space that would provide open space and an informal meeting area. As the S73 would renew an outline application, the building parameters are now required as part of the submission. These indicate a range of 2 and 3 storey units, bungalows and the community building as well on site which are considered acceptable in principle subject to detailed design considerations that would be considered as part of a subsequent reserved matters application.

The proposed parameters, layout and design is therefore considered acceptable and it is considered that Condition 3 can be updated to refer to the submitted Concept Plan and Design and Access Statement.

Neighbouring/ Residential Amenity

RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively.

In general terms, it is considered that a residential use of this site is acceptable in terms of land use and as the proposal is in outline, detailed matters regarding the relationship between properties would be considered at a later date if this application is approved. There are existing properties to the east that back on to Gower View Road and properties on Brynafon Road and Cobham Close as well as the dwellings that formed part of the masterplan to the north and south (the latter located within the site). Lower density dwellings are located around the edges to provide a softer edge between the development and the adjacent countryside.

The indicative layout and concept masterplan show that the planting buffer between the site to the north and the application site would be retained and the higher density properties are located within the centre of the site. Careful consideration will be required to ensure a sympathetic relationship between new properties and existing dwellings in certain location (such as adjacent to the bungalows on Clos Cwrt y Carne) but this is a matter for a subsequent stage.

The proposed development would require the revised positioning of the zip wire from one side of the play area to the other, which would be closer to properties on Heol Yr Creyr Bach.

However, whilst this is marginally closer than the playground, existing trees between the site and the adjacent properties would be maintained and it is not considered that the revised zip wire location would significantly increase noise and disturbance to existing residents given the location of the adjacent play area. In light of the above, it is not considered that the proposal would have a detrimental impact on noise or air quality that would be significant enough to warrant a refusal on this basis and the proposals are considered acceptable in terms of their impact on surrounding properties.

Highway Safety/ Parking/ Movement

Policy T1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking. Concerns have been raised by several residents about parking provision, increased traffic (including construction traffic and buses) on a narrow street and the resultant impact this would have on safety, especially for children.

Residents of Min Yr Aber and Ffordd y Coegylfinir have objected as the entrance to the estate is too narrow (4.5m) as are the roads within the estate and there are existing parking problem in the street along with Brynafon Road. The access is also in close proximity to a private entrance spur that would result in increased danger to residents. Concerns are also raised about the increase in traffic on the road system in general and concerns over access to Llys Meredith (Site B) to the north.

The applicant submitted a Transport Statement with the original application which identified several works that were required to be undertaken as part of the development and were secured as part of the S106 agreement. The applicant has subsequently updated the Transport Statement to reflect current highway circumstances.

Whilst concerns have been raised about the entrance to the site, the site entrance and roadway was designed to be 5.5m wide with 2m pavements on either side in anticipation of the future development of the site. This road width is considered acceptable to serve the development proposed as is the layout/ relationship with the private drive opposite the spur on to Ffordd y Coegylfinir. Similarly, the access on the northern end of the site off Gower View Road (Heol Y Creyr Bach) was designed to accommodate both the Llys Meredith development and the development of this site. Addition comments raised query the Transport Statement as they consider it fails to take into account upcoming developments, problems at the M4 and 600 houses have been built in the area in the past decade without any improvements to infrastructure. This last comment is clearly inaccurate as infrastructure improvements were undertaken as identified in the Highways Authority comments above and provided for by some of the developments listed, where they were reasonably required, to accommodate that development.

The Highways Authority offers no objection to the proposals subject to conditions. The application has been accompanied by a Transport Statement which assesses the capacity at junctions and considers background growth in the assessment as well (to account for other developments). Trips rates have been based on 165 dwellings with a 70/30 split of affordable and market dwellings resulting in a 66 vehicle two way flow in the AM peak and 78 two way trips in the PM peak.

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The traffic model for Frampton Road/ Brynafon Road indicates there is 45% spare capacity within the junction.

Notwithstanding the likely split of affordable/ market dwellings on the site, the applicant also submitted a Technical Note on trip generation to address the secured planning policy position of 15% of the dwellings being affordable and 85% being market dwellings as this is the worst case scenario in terms of traffic generation. The Highways Authority has considered this assessment and advised that this would result in an additional 17 vehicles movements during the AM peak hour and 13 in the PM peak, which would not result in any material change to the operation of the access junctions or surrounding network or change the recommendations previously submitted.

The Highways Authority notes that the highway improvement works for which a contribution was sought were undertaken as part of Road Safety Grant funding. This contribution is requested to be returned on the basis that it should not have been requested in the first instance as the works had already been undertaken. The remainder of the works were envisioned to be undertaken as part of the S278 works agreed in the S106 agreement but several items have already been undertaken and signalisation of Frampton Road is no longer required. As a result of the above, condition 18 of the original consent is no longer required. The remainder of the works (the bus stop provision) should therefore be undertaken as part of this development as it is still necessary. Whilst the Highways Authority has requested a Construction Traffic Management plan, a Construction Environment Management Plan would be requested instead which would incorporate traffic elements.

The proposed concept plan also indicates that links would be provided from the site through to the adjacent public rights of way to provide access from the development to the adjacent footpath network which is encouraged. Parking details and active travel within the site would be considered further at a subsequent reserved matters stage and a travel plan would be conditioned. The proposals are therefore considered acceptable in terms of access, highway safety and parking provision in relation to LDP policy subject to conditions which would address the concerns raised by residents.

Concerns that the roads are being used as a rat run for unlicensed vehicles, parking of vehicles on double yellow lines, no parking for the play facility and the properties being built directly on to the pavement have been given limited weight in the determination of the application as the former two are police issues and the latter two are not considered to significantly impact on safety of residents and the play area is a local facility that is intended to serve the immediate locality given its scale and walking / cycling is to be encouraged. Notwithstanding this, an element of parking could be provided as part of a subsequent reserved matters application.

Ecology/ Trees/ Landscape

Policy PS 2 references the strategic green infrastructure network which is supplemented by Policy ER 2 which seeks to protect and enhance green infrastructure. Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site.

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The tree survey submitted with the application indicates that there are 23 individual trees and 9 groups/ areas of trees located on the site, of which none are Category A trees, 20 are category B trees (moderate/ desirable for retention) with 11 category C trees (low / optional for retention) and 1 category U (poor / unsuitable for retention). Whilst no Arboricultural Impact Assessment has been submitted, the report concludes that the site has the potential for development whilst retaining trees of value. The majority of the trees are located around the edge of the site whilst the trees within the site are identified as category C trees. The Council's Landscape Officer (Arboriculture) has no objections to the proposals and has stated that the trees around the site appear to be incorporated within the layout with suitable separation between trees and proposed dwellings. The detailed application would show any conflicts that can be designed out or mitigated at that stage.

The applicant has submitted a preliminary ecological appraisal, protected species surveys and further protected species surveys as well. NRW has advised that detailed tree roost surveys should be undertaken once detailed plans have been provided and these comments are echoed by the Council's Ecologist. NRW raise concerns that the recommendations of the report do not follow through into the layout of the proposal with regards to the removal of woodland, limited boundary retention and provision of dark corridors for example. One resident has queried the impact of the development on birds rather than just bats but the Protected Species Survey considered birds on site.

These comments were relayed to the applicant who sought to amend the concept masterplan and indicative site layout to address these concerns, whilst providing updated comments on protected species. The Council's Ecologist has reviewed the proposal and has no objections in principle with the indicative layout but has provided comments on several species including bats, breeding birds, hedgehog, dormouse and reptiles. NRW has no further comments.

The Further Protected Species Survey provides a list of recommendations and a condition would be attached to any grant of consent to ensure the recommendations outlined in 8.1 to 8.8 of the report are adhered to as any development progresses. A reptile translocation/ mitigation strategy is also considered to be necessary given that reptiles were found on site. In addition, recommendations are made to provide ecological enhancements such as integral bird and bat boxes on the properties along with bat tubes and to the inclusion of a mosaic of habitats for scrub and open areas to mitigate for habitat loss in the landscaping scheme. These would be covered by condition as would a landscape management plan. The details of boundary enclosures has also been conditioned which can ensure that provision is made for hedgehogs in the site where relevant.

The development site is approximately 370 metres from the Burry Inlet and Loughor Estuary SSSI and the Ecologist has recommended that a CEMP is attached to any grant of consent to confirm pollution prevention measures for the construction phase are submitted to and approved in writing prior to the further development of the site. It is not considered reasonable or necessary for the CEMP to cover the operational phase of development. A site specific Habitat Regulation Assessment will be undertaken by the Ecologist, the results of which will be reported verbally at Planning Committee but no significant issues are anticipated given that the LDP (as a whole) was subject to a HRA which indicated no adverse effects alone or in-combination.

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Several of the conditions requested by the Ecologist are included in the recommended conditions. However, it is not considered reasonable or necessary to attach conditions requiring trenches to be covered or fenced overnight but an advice note to this effect would be attached. Similarly, no dormouse were found on site and it is therefore not considered reasonable or necessary to require further checks to be undertaken pre-commencement or to require an Ecological Management Plan for the site.

The Ecologist also notes that Japanese Knotweed is present on site and an Invasive Non-Native Species strategy would be required as a condition of any consent.

The proposals are therefore considered to be acceptable in terms of their impact on ecology, trees and the landscape subject to the conditions referenced above.

Affordable Housing

A resident has stated that the development provides for a disproportionate type and mix of proposals which won't contribute to a well-balanced housing mix whilst another has stated that the play area would be lost to facilitate a social housing community. The development would provide an equal mix of social rented, intermediate and market dwellings located within the site and would be clustered throughout the site.

The original S106 agreement included provision for 15% of the dwellings on site to be affordable. An off-site contribution (equivalent to 5%) was also provided towards off-site affordable housing which amounted to £868,610 which has subsequently been paid to the Council and subsequently paid to various RSL's to secure provision of affordable housing on other schemes.

The LDP seeks to provide an element of affordable housing in all developments of over 5 dwellings such as this one and the LDP indicates that a minimum of 15% affordable housing should be provided on site. This is in line with the previous requirement to provide affordable housing on site. The Housing Officer has advised that the most recently published Local Housing Market Assessment 2013 (updated 2015) identifies an affordable housing requirement of 7,400 dwellings across the County, with the Greater North West zone having the highest requirement for growth over the LDP period with a need for affordable housing (the zone in which the site is located).

Notwithstanding this, the application indicates that approximately 2/3rds of the units would be affordable and this tenure is to be split with intermediate products providing an opportunity for Low Cost Home Ownership and other schemes to enable residents to purchase properties and staircase to full ownership over time. Whilst this tenure split is over that indicated in the LDP, there is no policy reason to require a higher percentage and doing so could impact on developer funding opportunities.

The LDP affordable housing target supply of affordable homes for the term of the plan is 3,310, indicating a shortfall in the number of affordable housing required as demonstrated by the Local Housing Market Assessment, therefore the higher percentage of affordable housing on this site is welcomed. This site is proposing a mix of market and affordable housing for rent and sale, making housing accessible for all, creating a sustainable community. The Housing Officer supports the proposal and has advised that the Affordable Housing provision should be built to DQR standards and should include a mix of property sizes and tenure.

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The housing should be integrated into the overall development and should not be obviously segregated through location, layout or design. The housing mix would be secured by condition and the applicant has also requested a Mortgagee-In-Possession clause be inserted into the S106 agreement which would relate solely to the social rented units secured and has been agreed as part of other S106 agreements.

On balance, it is considered that the proposals would offer a variety of tenures (private, intermediate and social rented) that would lead to a balanced and mixed community. It must also be remembered that the off-site contribution equivalent to 5% has already been provided. It should also be noted that the development to the north of the site is predominantly market housing (81 of 95 dwellings) and the development of 30 dwellings to the south is also predominantly market housing (26 of 30). When considered across the area subject to the original masterplan, the overall level of affordable housing would fall to 44% providing further support for the provision of increased affordable housing on site.

The proposal is therefore considered to provide significant benefits in terms of affordable housing provision within the area to meet a large demand although there is no planning reason to control this over and above the 15% stated.

Education

One resident has stated that the area is already crowded and a new school would be needed for the development. The Council's Education Officer has advised that a contribution is only sought towards Education in respect of the Welsh medium primary school (Y.G.G. Pontybrenin) of £62,232 due to the limited capacity at the school and existing commitments. There is sufficient capacity in the other catchment schools to accommodate this development.

The Education Officer has advised that there is currently space for 5 pupils in this school, the proposed development would generate 6 pupils for Welsh medium and other developments have already taken up this spare capacity. However, one of the sites at Glebe Road (ref: 2013/0617) provided a contribution to Welsh medium schools to cater for their development. Another site (Walkers Crisps) has not progressed and there is no permission in place. Land at Heol Pentre Bach has been completed and therefore any pupils associated with this development would already be in the school and whilst the strategic site at Garden Village may result in a demand for Welsh medium schools, the Council considered that it was preferable to pool contributions as part of the Strategic Site application to provide for a primary school on site. On this basis, it is not considered reasonable to request a further contribution for these pupils. No application has been received for Ffordd yr Afon. Therefore, it is not considered that there is sufficient justification to require 2 of the 6 spaces created as a result of this development.

As such, there is considered to be justification for the provision of a contribution towards 2 places to increase capacity at YGG Pontybrenin WM primary school (£20,744) that would be secured via S106.

Green Infrastructure

Policy ER 2 states that Green Infrastructure should be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall Green Infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional Green Infrastructure network.

The Council's Ecologist has requested a Green Infrastructure Assessment, as the submitted assessment focusses predominantly on SuDS and is not comprehensive. The applicant has submitted a Green Infrastructure Assessment which includes the central village green that would act as an informal open space with integrated SuDS function, incidental landscaping around the edge and within the site that provides greening, biodiversity benefits, shade and visual interest, a "Rainscape" street with integrated SuDS, perimeter park to provide semi natural greenspace and a buffer to the open countryside, SuDS attenuation area on the western boundary providing visual interest and opportunities for biodiversity enhancement and retained woodland protected and enhanced through improved management. This plan has been informed by the SuDS strategy, the ecological appraisal and the tree surveys and is considered sufficient to ensure that green infrastructure would be provided and protected as part of the development.

Whilst agricultural fields and trees would be lost, there is significant scope to provide and create interconnected areas of green infrastructure and fill gaps in the existing infrastructure. The inclusion of features within the landscape strategy would provide various benefits and the outdoor recreational space could improve health and wellbeing of children and encourage active and passive recreation which are positive aspects of the development. Therefore, it is considered that the loss of green infrastructure on site would be mitigated acceptably with a range of different options to be incorporated into the development that could be secured by condition.

Climate Change and Renewable/ Low Carbon Technology

Policy ER 1 seeks to mitigate the effects of climate change. RP 5 also seeks to avoid flood risk. In this instance, the site is not located within a flood area and the drainage strategy would adequately mitigate for flooding subject to detailed design. Policy EU 2 requires consideration of renewable and low carbon technologies.

Firstly, the drainage strategy includes SuDS features to an above ground attenuation feature along the western boundary of the site. The Council's Drainage Officer has raised no objections subject to detailed drainage design. No issues of flooding are raised subject to incorporation of a drainage condition and/ or the requirement for SuDS approval.

The applicant has also submitted a Draft Energy Statement outlining the measures to be taken with passive design and energy efficiency measures to provide the cornerstone to the energy demand and CO2 emission reduction. Air source heat pumps are proposed for the individual dwellings which could provide a 30% reduction in CO2 along with on-site renewable technologies such as Solar PV arrays. Overall, it is considered that the development could achieve up to 50% reduction in CO2 emissions beyond the Building Regulations baseline. This outlines the various design responses to these issues and is considered acceptable in terms of climate change resilience.

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Drainage

Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk. Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

The application seeks to provide a series of swales and ponds to provide above ground storage and attenuation within the area of open space to the west (when required). At present, the majority of the site drains at a greenfield rate with the exception of the play area. The Council's Drainage Officer has advised that they have no objection to the proposals which would be subject to either SAB approval (under Schedule 3, Flood and Water Management Act 2010) or would be dealt with under Condition 15. The requirement for SAB approval applies to all applications submitted after 7th January 2019 and it is considered that irrespective of when a reserved matters application is submitted, the proposal would require SAB approval. Notwithstanding this, a condition would be attached to any grant of consent to ensure the surface water drainage details would be controlled and considered further.

In terms of foul drainage, the proposal flows to Llannant WWTW. Dwr Cymru Welsh Water (DCWW) were consulted on the original application (Ref: 2005/2355), for a residential development, and by response (Ref: 2005/HCON/28601) recommended conditions and advisory notes including reference to a point of connection into the public sewerage system. Notwithstanding this, their response also advised that the existing water supply network would require off-site reinforcement works to ensure the proposed development site could be served by an adequate water supply.

In principle, DCWW offer no objection subject to conditions 14 and 15 being maintained on any new consent granted for the development. Nonetheless, DCWW wish to remind the applicant that offsite reinforcement works are required to the existing water supply network. They have also requested a condition requiring a scheme for the potable water supply to be submitted to and approved in writing prior to the commencement of development. This request is considered necessary and reasonable.

Subject to the above conditions, the proposals are considered acceptable in terms of their impact on drainage.

Archaeology / Heritage

The Archaeological Desk Based Assessment submitted with the application indicates that no specific sites of archaeological interest have been identified within the bounds of the proposed development area. The archaeological potential of the site is considered to be relatively low, with some potential for possible post-medieval coal mining activity identified in the general area. In addition, no Scheduled Ancient Monument would be directly affected by the proposed development. No mitigation measures are therefore proposed.

GGAT has advised that the assessment concludes that there are no designated, and no non-designated, historic assets that would be adversely affected by the proposed development. The assessment process and the report meet current professional standards and they do not recommend any further archaeological mitigation for this proposal.

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CADW has advised that there are no scheduled monuments or registered historic parks and gardens that would be affected and they have no comments to make.

Welsh Language

The applicant has submitted a Welsh Language Action Plan as the site is located within the Welsh Language Sensitive Area. 15% of the population of Penyrheol were able to speak Welsh (11.4% across Swansea). The Action Plan would result in the introduction of 384 new residents and evidence from adjacent developments suggests that those dwellings for sale on the open market would attract a higher percentage of purchasers from the local area. Affordable housing residents would be drawn from those seeking affordable housing in the local area, assessed against a prescribed set of criteria. Whilst no negative impacts are identified, additional mitigation measures would include:

- * Promotion of Welsh education among children and adults in the area such as proximity of Welsh schools in sales promotions
- * Strong advertising / marketing in the local area
- * Bilingual sales/ marketing to be made available on request.

The applicant has also indicated that an Addendum to the Action Plan would be submitted as part of any future reserved matters application. A condition would be attached to any grant of consent to require the development to accord with the recommendations set out in the Action Plan.

Employment and Training Opportunities

Policy IO 2 seeks to provide training opportunities to maximise added benefits in line with the Council's Beyond Bricks and Mortar (BBM) policy. The applicant has indicated that Coastal and Pobl would include specific targeted recruitment and training clauses within the build contract which would specify that the contractor must provide certain numbers of paid and unpaid opportunities on the site, along with educational visits etc. This scheme could incorporate the Council's BBM and a condition would be attached to any grant of consent requiring details of employment and training opportunities to be submitted to and approved by the Council.

Other Issues

Residents have stated that the development should proceed on land by ASDA or the land designated as a cemetery. As noted above, the land in question is partly allocated for housing and the Authority has to consider the proposal as submitted on its merits which are set out above. Concerns have also been raised with regards to GP facilities in the area due to population increases. The site is identified for considerably more dwellings in the LDP than has been proposed and despite resident concerns, there is no evidence of insufficient utility and local service infrastructure capacity within the area and this issue has not arisen through the LDP process so it has been given limited weight in the determination of this application.

Comments that more houses aren't needed and concerns over loss of views have been given very limited weight in the determination of this application as the LDP identifies a demand for additional housing over the plan period (and allocates part of the site for housing).

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Any views to be lost are private views as there is not considered to be a private right to a view and the impact on the character of the area is considered acceptable. Sustainable waste storage would be considered as part of any subsequent reserved matters application.

Whilst the applicant has specifically sought to vary conditions 1, 3 and 4 of the outline planning permission, it would also be necessary to amend the wording of the remainder of the conditions to refer to this permission (given that 30 of the dwellings have already been constructed). A condition requiring a road safety audit would also be removed as the works themselves are no longer required.

Planning Obligations:

The original S106 agreement for this development provided for the following:

- i. The provision of an equipped play area and an appropriate commuted sum for the future maintenance of the new play area.
- ii. Commuted sums for the future maintenance of all areas of public open space.
- iii. An agreed contribution towards the cost of the necessary upgrade of the traffic signal installation and associated works at the junction of Frampton Road/Alexandra Road/Borough Road/Bryn Road.
- iv. All off-site roadworks which shall include:
 - i) a pelican crossing being installed on Frampton Road, the precise location and type of crossing being subject of further agreement;
 - ii) a new bus stop, shelter and associated works being provided on Gower View Road adjacent to the new site access;
 - iii) a traffic signal junction being installed at the junction of Pencaecrwn Road/Frampton;
 - iv) traffic and pedestrian safety measures being implemented in accordance with details to be submitted and agreed and shall include: speed indicator displays; a lay-by for speed camera vehicles; and Traffic Regulation Orders near the school
- v. Affordable Housing in particular a contribution of 15% intermediate housing and 5% off-site contribution to be paid on 50% beneficial occupation of the first phase (these details will need to be finalized as part of the Section 106 Planning Obligation).

A commuted sum for the play area has already been provided. Commuted sums for the on-going maintenance of this facility and the open space within the site would be retained as part of a deed of variation (i. and ii. above). The contribution for highway works (iii. above being circa £40,000) was paid but the works had been undertaken by the Council prior to the agreement being signed. Therefore, the contribution did not meet the relevant tests and should be returned to the developer. The off-site roadworks have been partially undertaken/ revised as a result of what is considered necessary to accommodate this development and would be retained in any agreement, although these works would be converted to a sum of money to enable the Highways Authority to undertake these works. The off-site Affordable Housing contribution has already been paid and used by the Council. The on-site contribution towards affordable housing would be increased as noted above.

The Planning Obligations associated with this development include:

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- * Provision of a minimum of 15% affordable housing units on site to DQR – to be all to be disposed of via a RSL with a MIP clause included
- * Commuted sums for the maintenance of the play area and open space within the development
- * Education contribution of £20,744 towards YGG Pontybrenin
- * Highway improvement works comprising:
 - o A new bus stop, shelter and associated works being provided on Gower View Road adjacent to the new site access (to be secured via S278 agreement or sum provided to cover cost of works)

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets 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 the maintenance of open space, education, improve highway safety and to provide affordable housing on site)
- 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 the maintenance of public open space, education, highway improvements and the provision of affordable housing).

Conclusion

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

In light of the above, it is considered that the proposal to amend condition 1 (compliance with Design Statement and Masterplan) should be amended to refer to compliance with the Design and Access Statement and Concept Plan. In addition, condition 3 (submission of reserved matters within 3 years) should be amended to provide for a further 3 year period to submit the reserved matters. Condition 4 (time period to commence development) is now superfluous as the development has already commenced and therefore it should be removed.

In conclusion, and having regards to all material planning considerations, including the Human Rights Act, on balance, the proposal is considered an acceptable form of development at this location that would not unduly impact upon the visual amenities of the area, the residential amenities of surrounding properties, ecology or highway safety.

RECOMMENDATION

APPROVE, subject to the conditions indicated below and the applicant entering into a Deed of Variation to the Section 106 Planning Obligation in respect of the contributions listed above;

- 1 The proposed residential development of the site, with the exception of the 30 dwellings already constructed pursuant to reserved matters application 2012/1113, shall be carried out in accordance with the guidance contained within the Gwynfaen Design and Access Statement dated 29th May 2019, Concept Plan (Drawing No. edp4783_d022a), Green Infrastructure Strategy (Drawing No. edp4783_d031b) and Draft Energy Statement Revision 2 dated 14th May 2019 submitted with this application.
Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy and Guidance.
- 2 Approval of the details of the siting, design and external appearance of the buildings and the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any further development is commenced over and above that approved as part of reserved matters application 2012/1113.
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 3 Detailed plans and drawings with respect to the matters reserved in condition (02) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 4 A programme of phasing of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further works on the site that were not permitted by reserved matters application 2012/1113. The development shall be completed and brought into beneficial use in accordance with the details approved under Condition 2, or otherwise agreed by the Local Planning Authority or required by the conditions of the permission and the approved phasing programme.
Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 Samples of all external finishes shall be submitted to and approved in writing by the Local Planning Authority before any further development is commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113. The development shall thereafter be completed in accordance with the approved scheme.
Reason: In the interests of visual amenity.
- 6 The details to be submitted in accordance with Condition 2 shall include details of the levels of the dwellings, roads and footpaths in relation to the adjoining land and highways together with any changes proposed in the levels of the site shall be submitted to and approved by the Local Planning Authority in writing.

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Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.

- 7 No further dwelling unit in the development, with the exception of the 30 dwellings already constructed under reserved matters application 2012/1113, shall be occupied until details of all the means of enclosing the boundaries of the site and the individual curtilage of all dwellings have been submitted to and approved in writing by the Local Planning Authority, with consideration given to future hedgehog access. The approved means of enclosure shall be completed in accordance with a programme to be included as part of the details to be submitted to and approved by the Local Planning Authority.
Reason: In the interests of visual amenity and general amenity.
- 8 A landscaping scheme for the site, excluding the application site area for reserved matters application 2012/1113, shall be submitted as part of the reserved matters, and shall retain the existing trees and hedgerows around the site unless otherwise approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The landscaping scheme shall provide for a mosaic of habitats for scrub and open areas as outlined in 8.17 of the Further Protected Species Survey. The approved scheme shall be carried out within 12 months from the completion or occupation of the development, whichever is sooner, excluding the occupation of the 30 dwellings pursuant to reserved matters application 2012/1113. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
Reason: In the interests of the visual amenity of the site as a whole, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 9 The proposed areas of open space within the application site should be landscaped in accordance with a Landscape Management Plan, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to first beneficial occupation of the 31st dwelling on site.
Reason: To ensure the protection and maintenance of the landscaped areas.
- 10 Engineering details of the internal road layout and footways shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the 31st dwelling and shall be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway and pedestrian safety.
- 11 No dwelling unit within the development, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

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- 12 Prior to the first beneficial occupation of the 31st dwelling hereby approved, a Travel Plan that includes measures to reduce reliance on the private car shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 13 No dwelling, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a foul drainage scheme has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme must ensure that the foul drainage from all individual dwellings is connected to the main foul public sewerage system.
Reason: To ensure that a satisfactory comprehensive means of foul drainage is achieved in order to prevent the hydraulic overloading of the public sewerage system.
- 14 No dwelling, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system.
Reason: To prevent pollution of the water environment.
- 15 The development shall include a proportion of affordable homes. No further development on the site, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be commenced without the prior agreement of the Local Planning Authority of a scheme, including mix of tenure, siting and the timing of construction, for the provision of the affordable housing obligations. The affordable housing shall be provided in accordance with the approved scheme.
Reason: In order to provide an element of affordable housing within the proposed development.
- 16 Vehicular access shall be obtained via a looped distributor road with access through Gower View Road and Brynafon Road as indicated in the Gwynfaen Design and Access Statement and Concept Masterplan (any access to Cobham Close shall be restricted to a pedestrian and cycleway link only along that cul-de-sac).
Reason: In the interests of highway and pedestrian safety and in order to provide an accessible and permeable development.
- 17 Prior to the first beneficial occupation of the 31st dwelling, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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.
Reason: In the interests of highway safety and to ensure that the highways within the development are maintained appropriately thereafter.

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- 18 No further dwellings, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a potable water supply has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any further dwelling. Thereafter, the approved scheme shall be constructed in full.
Reason: To ensure the site is served by a suitable potable water supply.
- 19 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 any further work on site, excluding the 30 dwellings constructed pursuant to reserved matters permission 2012/1311.
Reason: In the interests of the ecology and amenity of the area.
- 20 Prior to the removal of the zip wire or benches between the playground and Gower View Road, full details and a timetable for the relocation of this equipment shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved timetable.
Reason: To ensure that the existing play equipment and amenity area is relocated in a timely manner.
- 21 The works hereby approved, with the exception of the 30 dwellings approved pursuant to reserved matters approval 2012/1311, shall be undertaken in accordance with the recommendations set out in Paragraphs 5.4 and 5.5 of the Welsh Language Action Plan dated April 2019 and any subsequent recommendations made in the subsequent Addendum.
Reason: To ensure the impact of the development on the Welsh language is suitably mitigated and the Welsh language is promoted in promotion material.
- 22 The works hereby approved, with the exception of the 30 dwellings approved pursuant to reserved matters approval 2012/1311, shall be undertaken in accordance with the recommendations set out in Paragraphs 8.1 to 8.8 of the Further Protected Species Surveys dated June 2019 (ref: HE/49/2018) prepared by Hawkeswood Ecology.
Reason: To ensure ecological mitigation is provided in accordance with best practice during the course of the works.
- 23 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113, until a scheme for ecological enhancement measures to include bird and bat boxes/ bricks has been submitted to and approved in writing by the Local Planning Authority along with details of the timeframe for their implementation. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To ensure a net ecological gain is provided as part of this development.

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- 24 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113, until a Reptile Translocation/ Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority along with details of the timeframe for their implementation. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.
- 25 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113, until a scheme for local employment and training opportunities as part of the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To provide training and employment opportunities to local residents and facilitating a wider distribution of economic benefit whilst supporting sustainable communities.
- 26 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113, until a Construction Environment 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;
 - vii) sensitive lighting measures to retained habitats on site;
 - viii) all pollution prevention measures relating to nearby waterbodies (particularly regarding the Carmarthen Bay and Estuaries SAC and Burry Inlet SPA, and the Burry Inlet and Loughor SSS) and
 - ix) 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, protect controlled waters and protected species, 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.

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27 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/11113, until a scheme for a sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the operational phase of the development, has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall outline measures to reduce the impacts of lighting on bats and other nocturnal species and shall detail measures to ensure that dark corridors remain post development. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure dark corridors are provided post development so that protected species using the site for foraging and commuting purposes can continue to do so.

28 The proposed community building shall be limited to a maximum of 285m² floorspace and shall only be used for use class D1 purposes.

Reason: For the avoidance of doubt as to the details hereby permitted.

Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, IO1, IO2, HC1, HC3, H1, H3, SI1, SI2, SI3, SI5, SI 6, SI8, ER1, ER2, ER6, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU2, EU4, RP1, RP2, RP3, RP4, RP5 and RP8.

2 The applicant is advised to consider the comments of the Council's Ecologist which are included in full in the Officers Report and in particular:

1. All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

2. In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points (as per 8.15 of the 2019 report). See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

3. Dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Consequently, it is an offence to intentionally or recklessly kill a dormouse, disturb a dormouse whilst it is occupying a resting place or breeding site. As there may be suitable habitat on site, the following procedure is essential. Immediately prior to the commencement of any pre-construction/enabling works onsite, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine any significant changes to those habitats supported by the site with respect to dormouse. The purpose of the site walkover is to determine whether any further, species-specific working methodologies or a Dormouse Mitigation Strategy document will be required.

4. Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

5. The important north and western site boundaries along with as much of the scrub woodland area at the east of the Site as possible should be retained (as per section 8.3 of the 2017 report). These areas must be protected during construction works. These measures will help retain areas of the Site important for commuting and foraging bats.

- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

- 5 The Highways Authority has advised the following:

1. All works on the existing highway are subject to an agreement under section 278 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

2. The applicant is advised that in order to discharge condition 17 the LPA requires a copy of the constitution and details of a Private Maintenance and Management Company confirming funding, management and maintenance regimes.

The applicant must contact the Highway Management Group, Swansea Council, Guildhall offices C/O Civic Centre, Swansea SA13SN before carrying out any work. Please email networkmanagement@swansea.gov.uk.

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- 6 The applicant is advised to consider the full comments of the Police Designing Out Crime Officer which are available in full on the application page on the Council's website: www.swansea.gov.uk/planningsearch
- 7 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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Agenda Item 5

Electoral Division:
Penllergaer

Report of the Head of Planning & City Regeneration

Planning Committee – 2 July 2019

Planning Application Ref: 2019/1232/106 and 2018/2671/S73

Construction of 80 no. residential units with associated access and landscaping Former Civic Centre Site, Penllergaer

1.0 Purpose of the Report

- 1.1 To seek authorisation to refuse to modify the Unilateral Undertaking made pursuant to S106 of the Town and Country Planning act 1990 (as amended) for the development at the former Civic Centre, Penllergaer.
- 1.2 The request has been submitted under S106A(1)(a) of the Town and Country Planning Act 1990 (as amended).

2.0 Background

- 2.1 An application for the residential development of the former Civic Centre in Penllergaer was submitted in July 2017, prior to the adoption of the Local Development Plan (Ref: 2017/0986/FUL). At the time of the submission, the Adopted Unitary Development Plan was time expired, but was still the development plan for S38(6) purposes. The application was considered to be a departure to the Adopted UDP as it was located outside of the settlement boundary. The site was proposed as an allocated site in the then Emerging LDP.
- 2.2 The Council's Housing Officer requested 30% affordable housing provision on site in line with the UDP (24 units) as part of the application.
- 2.3 The applicant stated that it was not viable to provide 30% provision on site and an Independent Financial Viability Appraisal was commissioned on behalf of the applicant and Council. This indicated that it was viable to provide 20% affordable housing provision on site with 75% being intermediate units to improve the viability on site. Further to this, the land deal was amended (as the Council owned the land) to ensure that the 20% provision could be provided. Permission was subsequently approved in May 2018 with a Unilateral Undertaking submitted by the applicant to secure the affordable housing provision.
- 2.4 Development subsequently commenced on the site, but additional survey work indicated that the proposed Dormouse mitigation was not required as no dormice were found. The applicant subsequently submitted a S73 application to remove the condition regarding dormice. The application was reported to Committee in March 2019 with a recommendation of approval. As a result of unauthorised tree works, the approved landscaping scheme could not be implemented so a revised landscaping scheme was conditioned and permission was granted subject to a Deed of Variation in May 2019.

- 2.5 At the current time, the site is nearly complete. The majority of the dwellings have been constructed but due to the site only having one access, the dwellings have not been occupied at present for site management purposes. It is envisaged that the first occupation will take place towards the end of July 2019.
- 2.6 The applicant (Enzo Homes) has submitted an application to vary the terms of the Unilateral Undertaking which was amended pursuant to a Deed of Variation. As the original application was reported to Planning Committee, any variation of the legal Agreement also needs to be referred to Planning Committee. The applicant wishes to reduce the contribution of affordable housing down from 20% (16 units) to 15% (12 units) following the adoption of the Swansea Local Development Plan (2010-2025) in February 2019 which seeks a minimum of 15% affordable housing provision in the Greater North West area in which the site is located.
- 2.7 The applicant has not submitted any supporting information to support the application save for an amended site layout plan indicating the location of the 12 units proposed. The amendment is sought purely on the basis that the LDP requirement for affordable housing provision has reduced as result of the adopted of the LDP.
- 2.8 As the Deed of Variation was signed in May 2019, the applicant can only vary the terms of the S106 agreement in agreement with the Council.
- 2.9 It appears that the applicant is in breach of the current Unilateral Undertaking at the current time as negotiation with the RSL's has not progressed. This issue has been raised with the applicant and an update has been requested in this regard.
- 2.10 A copy of the 2017 and 2018 Officer Reports to Planning Committee are attached as Appendix A and Appendix B respectively.

3.0 Consultation

- 3.1 The Local Ward Member and the Housing Officer were consulted on the application.
- 3.2 The Council's Housing Officer has commented as follows:

"I can confirm the request to allow for a reduction in affordable housing provision to 15% is not acceptable.

The most recently published Local Housing Market Assessment 2013 (updated in 2015) identifies an affordable housing requirement of 7,400 dwellings across the County and indicates a tenure split with a higher level of social rented to meet the highest need, with the Greater North West zone having a need for 900 affordable housing units. The need for affordable housing within this zone was reflected in the initial planning consultation for affordable housing which required 30% affordable housing onsite with a higher % of social rented units.

This figure was reduced following an Independent Financial Viability Appraisal which indicated that a minimum of 20% was viable onsite. The tenure split was also amended to ensure the financial viability of the site. Therefore a further reduction in the % of onsite affordable housing provision onsite is unacceptable."

- 3.3 The Local Ward Member has commented as follows:
“I object as this site was granted planning consent on the basis of a 20% affordable housing component well before the decision of the Planning Inspector re the LDP was taken in February 2019 and Enzo Homes entered into the agreement with the Council on those terms. I raised matters around financial viability at the planning stage and that the fact that there was no requirement for a 106 contribution to the local school or community (except for a minuscule amount for a tweak to the crossing on the A483) in order to ensure that 20% affordable housing could be delivered.

In addition, despite the recommendations of the Planning Inspector, the Council indicated a very clear intention to pursue a 20% Affordable Housing Policy wherever possible at the time the LDP was approved.”

4.0 Main Issues

- 4.1 On an application for modification by agreement pursuant to section 106A(1)(a) of the 1990 Act the Courts have considered the matters that a Council must have regard to (see R(Bachelor Enterprises Ltd) v North Dorset District Council [2003] EWHC 3006 and in R(Millgate Development Ltd) v Wokingham DC [2011] EWCA Civ 1062).

The Council has to ask itself:

- a. Does the existing planning obligation still serve a useful planning purpose?;
 - b. If it does and modification is proposed, then the question is whether that planning purpose could be equally served by the proposed modification?
 - c. If it would, then the Council should agree to the modification;
 - d. If it would not then the Council should refuse the application to modify.
- 4.2 Any decision by the Council to agree to a modification of the S106 agreement could be the subject of a challenge via Judicial Review however, the decision cannot be appealed.
- 4.3 Firstly, it is considered that the original obligation still serves a useful planning purpose in that there is an identified need for affordable housing in both the County (7,400 units required) and within the Greater North West Area (900 units required) according to the most recent Local Housing Needs Assessment. As the Housing Officer notes, the local need was reflected in the original request for 30% provision on site that was subsequently reduced as a result of viability. In addition, despite the need for a higher proportion of Social Rented units, the mix was altered to provide scope for more intermediate units which generate additional value to the developer.
- 4.4 The requirement for Affordable Housing is clear in both local and national planning policy. Technical Advice Note 2: Affordable Housing (2006) provides practical guidance on the role of the planning system in delivering such housing. The guidance defines affordable housing for the purposes of the TAN and provides advice to local planning authorities on how to determine affordability.
- 4.5 Secondly, the question is whether that planning purpose could be equally served by the proposed modification. It is not considered that the planning purpose could be equally served by the proposed modification as the proposal would result in a reduction of 4 units on site (5% of the total).

- 4.6 When the applicant originally queried the process for the reduction, he was advised to submit supporting information to justify the proposal. The proposed reduction is on the basis that the LDP has subsequently been adopted and Policy H3 indicates a requirement of 15% in the Greater North West area in which the site is located.
- 4.7 As noted in the background, the application was submitted and considered within a different policy context. The applicant decided to submit the application prior to the adoption of the LDP of his own accord. The application was subsequently considered under the Swansea Unitary Development Plan.
- 4.8 Of note, is that following the Independent Financial Viability Assessment, the Council (acting as landowner) offered to amend the terms of the contract of sale to reflect the increased provision of affordable housing despite the site being indicated as viable without this.
- 4.9 The application was subsequently determined prior to the adoption of the LDP and work commenced on site prior to the adoption of the LDP with significant progress made in the last year as the site is nearing completion and first occupants likely to be on site at the end of July 2019.
- 4.10 In addition, and as noted in the ward member comments, whilst Policy H 3 indicates a percentage of 15% affordable housing for this area, the Council Adoption Report sought to seek to secure, on certain developments, higher percentages of affordable housing than the target figures specified in Policy H3 for the North, East and Greater North West housing zones, where this is justified having regard to the level of constraints, planning obligations and other relevant matters. If contributions are less than £5,000 per unit, a higher percentage of affordable housing would be sought. The contributions on site (excluding affordable housing) equate to less than £5,000 per unit (£4,075) so additional affordable housing would have been sought on this site.
- 4.11 In summary, the amendment is only sought as a result of the Adoption of the LDP. The applicant submitted the application 18 months before the LDP was adopted and it was determined 6 months prior to adoption. The applicant subsequently commenced development. At no point since the original application has viability been raised as an issue and the development has progressed to nearing completion which is unlikely if viability was an issue. The original application was determined under the UDP context and the applicant voluntarily submitted a Unilateral Undertaking to provide 20% affordable housing on site. The applicant could have delayed submission of the application until the LDP was adopted if they required certainty on the percentage prior to the decision. The LDP Adoption Statement indicates that a higher percentage of affordable housing would in any event have been sought on the site. Both the Housing Officer and the Local Councillor object to the proposed alterations.
- 4.12 The planning purpose for the legal agreement was to secure 20% affordable housing on site along with its make up in terms of tenure. The planning purpose would therefore not be served by the proposed modification as it would result in the loss of 4 affordable units when there is still a large demand for affordable units within the County and Greater North West area.

5.0 Recommendation

5.1 It is recommended that:

- i) **Members refuse the modification of the Unilateral Undertaking Deed of Variation (planning obligation).**

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Management committee report.

Contact Officer:	<i>Andrew Ferguson</i>	Extension No:	<i>7310</i>
Date Production:	of <i>21st June 2019</i>	Document Name:	<i>Penllergaer Civic Centre 106 report</i>

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 Penllergaer 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 Penllergaer 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 Penllergaer 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 watermains 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 turfing 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.

UDP - EV11 - Historic Parks, Gardens and Landscapes

Development will not be permitted that would harm the character or setting of a registered Historic Park or Garden or the character of an Historic Landscape. (City & County of Swansea 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 - 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 - 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 - 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)

UDP - EV1 - Design

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

UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

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 - 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)

Site History

App Number	Proposal	Status	Decision Date
2017/0986/FUL	Construction of 80 no. residential units with associated access and landscaping	S106	30.05.2018

2018/1367/DOC	Discharge of condition 12 (trees) of planning permission 2017/0986/FUL granted 30th May 2018	APP	14.08.2018
2018/1460/DOC	Discharge of condition 14 (Japanese Knotweed Management Scheme) of planning permission 2017/0986/FUL granted 30th May 2018	APP	12.07.2018
2018/1479/DOC	Discharge of conditions 3 and 9 of planning permission 2017/0986/FUL granted 30th May 2018 (Construction Pollution Management Plan and European Protected Species Method Statement)	PDE	
2018/1579/DOC	Discharge of condition 5 (Surface water drainage details) of planning permission 2017/0986/FUL granted 30th May 2018	APP	21.12.2018
2018/1719/DOC	Discharge of conditions 10 (Written Scheme of Investigation) and 11 (Confirmation of Archaeologist for Watching Brief) of planning permission 2017/0986/FUL granted 30th May 2018	APP	15.08.2018
2018/1883/DOC	Discharge of condition 8 (Landscaping details) of planning permission 2017/0986/FUL granted 1st May 2018	APP	07.11.2018
2018/2072/DOC	Discharge of condition 18 (Gifted Land Maintenance Specifications and Plan showing land donated to Penllergaer Trust) of planning permission 2017/0986/FUL granted 30th May 2018	APP	07.11.2018

2018/2191/DOC	Discharge of condition 4 of planning permission 2017/0986/FUL granted 30th May 2018 (Street Lighting Specifications Outdoor Lighting Report)	APP	14.01.2019
2018/2271/DOC	Discharge of condition 16 (details of the footpath link to the south of the site) of planning permission 2017/0986/FUL granted 1st May 2018	APP	21.11.2018
2018/2671/S73	Construction of 80 no. residential units with associated access and landscaping (removal of condition 9 (European Protected Species) of planning permission 2017/0986/FUL granted 30th May 2018)	PDE	
2019/0221/DOC	Discharge of condition 17 of planning permission 2017/0986/FUL granted 30th May 2018 (highways and footpaths)	PCO	
2016/1747	Demolition of former Civic Centre and ancillary buildings (application for the Prior Notification of Proposed Demolition)	PARE Q	30.09.2016

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the Local Press. No response was received.

Natural Resources Wales - The following report has been submitted in support of the application to remove the condition for dormouse mitigation.

- o European Protected Species (Hazel Dormouse *Muscardinus avellanarius*) Survey Report S16.758 - Former Penllergaer Civic Centre, Swansea SA4 9GJ on behalf of Enzo's Homes' by Sazer Ecology dated October 2018.

We note the results of the dormouse survey and based on this information we have no objection to the removal of Condition 9.

APPRAISAL

Background

This application is being reported to Planning Committee as it is a major development that exceeds the development threshold.

This is an application to remove Condition 9 of planning permission 2017/0986/FUL granted 30th May 2018. The planning permission allowed for the construction of 80 no. residential units with associated access and landscaping works. Section 73a of the Town & Country Planning Act 1990 (as amended) provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission (i.e. to vary or remove a condition) where development has already been carried out. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of this application.

The site is allocated for residential development within the Emerging Local Development Plan and the development is currently being progressed under planning permission 2017/0986/FUL. This permission remains extant.

Condition 9 of planning permission 2017/0986/FUL reads as follows:

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.

Dormice are a European Protected Species (EPS) and legally protected under The Conservation of Habitats and Species Regulations 2010 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.

During the course of determination of application 2017/0986/FUL, a Dormouse Method Statement was submitted with the application and agreed with NRW, on the presumption that the presence of Dormice has been established on site without the need for further survey work. Full planning permission was granted for the scheme on 30th May 2018. Dormice Surveys were recommenced in May 2018. The surveys were undertaken at monthly intervals from May to October 2018 which accords with the Dormouse Conservation Handbook threshold for sufficient survey effort. The conclusions of the surveys found that as no Dormice or Dormouse signs were found at any time during the survey, it can be assumed that Dormice are likely to be absent from the application site.

Following these results, this application is now seeking the removal of Condition 9 on the grounds that it is no longer necessary. In support of the application, the following document has been submitted:

- o European Protected Species (Hazel Dormouse *Muscardinus avellanarius*) Survey Report by Sazer Ecology (October 2018).

Committee will be aware of the felling of trees covered by Tree Preservation Orders adjacent to this site. The trees in question are not on the application site and are subject of a separate

investigation by the Council. Consequently, the felling of these trees can have no bearing on the determination of the current application which must be treated on its own merits.

Main Issues

Section 73a of the Town and Country Planning Act 1990 (as amended) provides that application may be made for planning permission for development already carried out without complying with conditions applied to a previous permission. Local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter/remove conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. In considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73a application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

Emerging Local Development Plan

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted development plan, unless material considerations indicate otherwise. The principles of sustainable development are defined in the Well-being of Future Generations Act. Paragraph 1.21 of PPW goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and is soon to be replaced by the Swansea Local Development Plan (LDP). Adoption of the LDP is scheduled to be resolved by Members at a public meeting of Full Council on the 28th February. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content. Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

In the case of this particular proposal, the following LDP policies are particularly relevant: PS2 - Placemaking and Place Management, H1 - Non Strategic Housing Sites, ER2 - Strategic Green

Infrastructure, ER8 - Habitats and Species and ER11 - Trees Hedgerows and Development. The site is allocated in the Emerging LDP as a Non-Strategic Housing Site (Policy H1.26).

Given that the principle of development has previously been established and approved under City and County of Swansea Unitary Development Plan and emerging Local Development Plan Policies, the main issue for consideration is whether the removal of Condition 9 is acceptable. In this respect, NRW has been consulted on the proposed removal of this condition and based on the results of the dormouse survey, which found no evidence of the presence of dormice, no objection has been raised to the removal of Condition 9. It is considered therefore that the condition is no longer necessary and should therefore be removed.

As this is a new permission, it is considered expedient to update the previous conditions (where relevant), taking into account those that have already been discharged.

Where details have previously been discharged and capable of implementation, the proposed conditions require compliance with those details. Where further details are necessary, conditions are recommended requiring the submission of such details. In addition a deed of variation would be required for the S106 agreement as this was attached to the previous planning permission. The terms of the S106 agreement are set out below but are not being amended.

- * 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.)

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

Conclusion

The proposal to remove the aforementioned Condition No. 9 regarding dormice, a European Protected Species, is considered acceptable when considering all material considerations. It is

therefore concluded that the application should be approved subject to the following conditions and a deed of variation of the S106 agreement.

RECOMMENDATION

That the application be APPROVED subject to the conditions indicated below and the applicant entering into a Deed of Variation to the Section 106 Planning Obligation in respect of the contributions listed above.

- 1 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

01 Rev D proposed site layout and boundary treatment plan
Received on 19th April 2018

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

- 2 The development hereby permitted shall be undertaken in accordance with the Construction Pollution Management Plan, received 14th August 2018, submitted to discharge Condition 3 of planning permission 2017/0986/FUL, approved by the City & County of Swansea on 17th December 2018 (Ref: 2018/1479/DOC).

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

- 3 The external lighting for the development shall be completed in accordance with the details submitted to discharge condition 4 of planning permission 2017/0986/FUL,

approved by the City & County of Swansea on 10th January 2019 (Ref: 2018/1479/DOC).

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

- 4 The drainage details for the scheme shall be undertaken and completed in accordance with the details submitted to discharge condition 5 of planning permission 2017/0986/FUL that were approved by the City and County of Swansea on the 21st December 2018 (Ref: 2018/1579/DOC).

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.

- 5 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.

- 6 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.

- 7 Notwithstanding the details submitted to date (including the plan previously discharged under 2018/1883/DOC) within one month of the date of this permission a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting, and a Landscape Management Plan shall be submitted to the local planning authority. 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 turfing 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.

- 8 The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation (ref FS18-013 dated 2018) , prepared by Dyfed Archaeological Trust submitted to discharge conditions 10 and 11 of planning permission 2017/0986/FUL that was partially discharged by the City and County of Swansea on 14th August 2018 (Ref 2018/1719/DOC). A copy of the Final Report shall be submitted to the Local Planning Authority within two month of all of the archaeological fieldwork and recording work 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.

- 9 Notwithstanding the details submitted to date (including the plan previously discharged under Condition 12 of planning permission 2017/0986/FUL, Ref: 2018/1367/DOC) within one month of the date of this permission a scheme for tree protection shall be submitted to the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection plan.
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.
- 10 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.
- 11 All works relating to the eradication of Japanese knotweed shall be undertaken in accordance with the details submitted to discharge Condition 14 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 10th July 2018 (Ref: 2018/1460/DOC).
Reason : In the interests of the ecology and amenity of the area
- 12 The future management and maintenance of the proposed residential streets shall be undertaken in accordance with the approved management plan submitted to discharge condition 15 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 8th November 2018 (Ref: 2018/1852/DOC).
Reason: To ensure the roads are maintained to a satisfactory standard in the interests of highway safety.
- 13 The details of the footpath link to the south of the site shall be undertaken in accordance with the details submitted to discharge condition 16 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 21st November 2018 (Ref: 2018/2271/DOC).
Reason: To ensure access and connectivity to the surrounding area is improved.
- 14 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.
- 15 The arrangements for the future management and maintenance of the footpath link to the south of the site, the area of open space around the observatory, area of open space linking the observatory to the adjacent Penllergaer Valley Woods and the foot/cycle paths located within these areas of open space shall be undertaken in accordance with the details submitted to discharge condition 18 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 1st November 2018 (Ref.

2018/2072/DOC). The footpaths and open space shall thereafter be maintained in accordance with the approved management and maintenance details for the lifetime of the development.

Reason: To ensure that the foot/cycle paths and areas of open space are maintained to a satisfactory standard to ensure the active travel links are available for the lifetime of the development and ensure the open space is maintained to an adequate standard.

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, EV28, EV30).
- 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, 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.

- 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 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, reuse, recycling before considering other recovery or disposal option.
- 11 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.