

# Document Pack



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Prif Weithredwr,  
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**MONDAY, 26 MARCH 2018**

**TO: ALL MEMBERS OF THE PLANNING COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **PLANNING COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, - COUNTY HALL, CARMARTHEN AT 10.00 AM ON THURSDAY, 5TH APRIL, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

Democratic Officer:	Michelle Evans Thomas
Telephone (direct line):	01267 224470
E-Mail:	Democraticservices@carmarthenshire.gov.uk
Ref:	AD016-001

# **PLANNING COMMITTEE**

## **20 MEMBERS**

### **PLAID CYMRU GROUP - 10 MEMBERS**

- |     |                                      |   |
|-----|--------------------------------------|---|
| 1.  | <b>Councillor Mansel Charles</b>     | Member of Llanegwad Community Council     |
| 2.  | <b>Councillor Tyssul Evans</b>       | Member of Llangyndeayrn Community Council |
| 3.  | <b>Councillor Jeanette Gilasbey</b>  | Member of Kidwelly Town Council           |
| 4.  | <b>Councillor Ken Howell</b>         |   |
| 5.  | <b>Councillor Carys Jones</b>        |   |
| 6.  | <b>Councillor Alun Lenny (Chair)</b> | Member of Carmarthen Town Council         |
| 7.  | <b>Councillor Jean Lewis</b>         |   |
| 8.  | <b>Councillor Dorian Phillips</b>    |   |
| 9.  | <b>Councillor Gareth Thomas</b>      |   |
| 10. | <b>Councillor Eirwyn Williams</b>    |   |

### **LABOUR GROUP - 6 MEMBERS**

- |    |                                 |  |
|----|---------------------------------|--|
| 1. | <b>Councillor Suzy Curry</b>    |  |
| 2. | <b>Councillor Penny Edwards</b> |  |
| 3. | <b>Councillor John James</b>    | Member of Pembrey & Burry Port Community Council |
| 4. | <b>Councillor Dot Jones</b>     | Member of Llannon Community Council              |
| 5. | <b>Councillor Ken Lloyd</b>     | Member of Carmarthen Town Council                |
| 6. | <b>Councillor Kevin Madge</b>   | Member of Cwmamman Town Council                  |

### **INDEPENDENT GROUP - 4 MEMBERS**

- |    |  |                                      |
|----|--|--------------------------------------|
| 1. | <b>Councillor Sue Allen</b>                | Member of Whitland Town Council      |
| 2. | <b>Councillor Ieuan Davies</b>             |                                      |
| 3. | <b>Councillor Joseph Davies</b>            |                                      |
| 4. | <b>Councillor Irfon Jones (Vice-Chair)</b> | Member of Bronwydd Community Council |

**NO SUBSTITUTES ARE ALLOWED AT MEETINGS OF THIS COMMITTEE**

# A G E N D A

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*Ardal De/  
Area South*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING COMMITTEE**

**AR 05 EBRILL 2018  
ON 05 APRIL 2018**

**I'W BENDERFYNU/  
FOR DECISION**



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>05 APRIL 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

### **INDEX - AREA SOUTH**

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<b>S/36380</b>	The proposals are to construct 14no. new affordable houses on a derelict section of land at the end of the existing Garreglwyd Housing Estate. Most houses will be 2 bedroom, 4 person houses but two houses will be 4 bedroom, 7 person houses at land at Garreglwyd, Pembrey, Burry Port, SA16 0UH	<b>10 - 21</b>
<b>S/36834</b>	Change of use from a Class C3, 4 bedroom dwelling to a Class C4, 4 bedroom HMO. Associated alterations to 2 front windows to provide emergency access at 9 Great Western Terrace, Llanelli, SA15 2ND	<b>22 - 30</b>
<b>S/36835</b>	Change of use from a Class C3, 4 bedroom dwelling to a Class C4, 4 bedroom HMO. Associated alterations to 2 no. first floor bedroom windows to provide emergency access at 7 Great Western Terrace, Llanelli, SA15 2ND	<b>31-39</b>

REF.	ADDITIONAL ITEMS FOR DECISION	PAGE NOS
S/35215	Residential development for 51 dwellings together with associated works at land off Clos Y Benallt Fawr, Fforest, Swansea, SA4 0TQ	41 - 44



**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/36380</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	THE PROPOSALS ARE TO CONSTRUCT 14NO NEW AFFORDABLE HOUSES ON A DERELICT SECTION OF LAND AT THE END OF THE EXISTING GARREGLWYD HOUSING ESTATE. MOST HOUSES WILL BE 2 BEDROOM 4 PERSON HOUSES BUT TWO HOUSES WILL BE 4 BEDROOM 7 PERSON HOUSES AT LAND AT GARREGLWYD, PEMBREY, BURRY PORT, SA16 0UH

<b>Applicant(s)</b>	CARMARTHENSHIRE COUNTY COUNCIL - JONATHAN MORGAN, EAST GATE, LANDMARK BUILDING, ISLAND PLACE, LLANELLI, SA15 3YF
<b>Agent</b>	CARMARTHENSHIRE COUNTY COUNCIL - HYWEL HARRIES, BLOCK 3, PARC MYRDDIN, RICHMOND TERRACE, CARMARTHEN, SA31 1HQ
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Pembrey
<b>Date of validation</b>	01/11/2017

## CONSULTATIONS

**Head of Transport** – Has no objection to the proposed development subject to the imposition of appropriate conditions.

**Head of Technical Services (Drainage)** – States that a detailed surface water scheme needs to be submitted as part of this application.

**Pembrey & Burry Port Town Council** – Has no objection.

**Local Member** - County Councillor H Shepardson supports the proposal.

**Natural Resources Wales** – Has no objection subject to the imposition of appropriate conditions.

**Dwr Cymru/Welsh Water** – Has no objection to the principle of the Foul and Surface water scheme however it needs more technical assessment so a condition should be imposed asking for a detailed scheme.

**Neighbours/Public** - The application has been publicised by the posting of two Site Notices and three responses have been received as a result raising the following matters:-

- More than LDP allocation proposed;
- Highways;
  - Only access is Garreglwyd;
  - Reference to larger housing allocation proposed to be served off the same road;
  - Access visibility onto A484;
  - Congestion;
- School capacity at Pembrey;
- Sewerage capacity;
- Queries over site notices;
- Alternative foul drainage proposal.

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received on the application site:-

D5/15585	Residential development Full planning permission	31 March 1994
D5/15563	Residential development Full planning permission	31 March 1994
D5/5258	Rebuilding of dilapidated Scouts Hall Approved	08 January 1981

## **APPRAISAL**

**This is an application in which Carmarthenshire County Council has an interest either as applicant/agent or in terms of land or property ownership.**

## **THE SITE**

The application site is a 0.46ha parcel of land to the West of the Garreglwyd housing estate in Pembrey. The site is an “L” shape and forms a continuation of the urban form by wrapping around the existing estate.

The site is within the settlement development limits and allocated as T2/1/H11 for 10 houses in the Local Development Plan.

The site is relatively flat but slopes gently down in a southerly direction and has the old canal and railway alignment to the South West which forms a cycle and pedestrian link back to the village.

The site currently accommodates a turning head at the end of Garreglwyd is currently mown grassland and does not provide any formal recreational use.

The proposal has been subject to a statutory Pre Application Consultation. This generated several objections from the local area, however there were no substantive issues raised by technical consultees that would affect the proposal.

## **THE PROPOSAL**

The application seeks full detailed planning permission for fourteen two storey affordable dwellings and associated gardens and parking areas.

The proposal is accessed via the Garreglwyd estate which is a development of two storey former local authority houses centrally located in the village to the North of the A484. There is however a proposed bridge which provides pedestrian and cycle access onto the cycleway which runs along the old canal and railway alignment under the A484 so there are sustainable transport links to the wider village which is predominantly to the South of the A484.

The proposed development is for 12No. two bedroom houses and 2No. four bedroom dwellings. The dwellings are proposed to be two storey with saddle roofs and a mixture of brick and render external facing material.

The proposal includes a diversion of the foul and surface water mains to accommodate the layout. A drainage strategy has been submitted with the application which seeks to demonstrate that the site would be adequately served. As part of the strategy, an attenuation system is proposed so that discharge to the adjacent watercourse is at a controlled rate.

An ecological assessment has been carried out. This concludes "The amenity grassland area of the site has low biodiversity value and, as such, the development will have no adverse impact on the ecology."

A water vole assessment has been carried out given the ditch to the South West. This concludes that the watercourse is linked to the Ffrwd Fen SSSI approximately 750m away. The ditch is likely to be used by water voles however it is unlikely that it would be used as a breeding site given that there is more suitable habitat elsewhere.

The site is in Zone A as defined on the Development Advice Maps, however is close to the tidal flood zone which has complex characteristics. A Flood Consequence Assessment (FCA) has been submitted and this has been scrutinised by Natural Resources Wales (NRW). Even though the site is only in Zone A, it is recommended that the levels account for potential climate change and an appropriate condition is recommended in order to ensure the development is strictly in accordance with the recommendations of the FCA.

The site has been subject to a detailed Ground Investigation, Risk Assessment and Conceptual site model for contamination. The assessment does not identify any site constraints due to past uses or mining activities.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is within the settlement development limits of Pembrey as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

Policy SP1 Sustainable Places and Spaces states:

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a) Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;
- b) Promoting, where appropriate, the efficient use of land including previously developed sites;
- c) Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;
- d) Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;
- e) Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;
- f) Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;
- g) Utilising sustainable construction methods where feasible;
- h) Improving social and economic wellbeing;
- i) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.

Policy SP2 Climate Change states:

Development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported. In particular proposals will be supported where they:

- a) Adhere to the waste hierarchy and in particular the minimisation of waste;
- b) Promote the efficient consumption of resources (including water);
- c) Reflect sustainable transport principles and minimise the need to travel, particularly by private motor car;
- d) Avoid, or where appropriate, minimise the risk of flooding including the incorporation of measures such as SUDS and flood resilient design;
- e) Promote the energy hierarchy by reducing energy demand, promoting energy efficiency and increasing the supply of renewable energy;
- f) Incorporate appropriate climate responsive design solutions including orientation, layout, density and low carbon solutions (including design and construction methods) and utilise sustainable construction methods where feasible.

Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN 15.

Policy GP1 Sustainability and High Quality Design states:

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Policy AH1 Affordable Housing states:

A contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher

viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub-market areas.

Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

### On Site Contributions

The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above.

Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.

### Commuted Sums

Where an open market residential site falls below the above thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m.).

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 November 2016 and TAN12: Design (2016)).

Policy TR3 Highways in Developments - Design Considerations states:

The design and layout of all development proposals will, where appropriate, be required to include:

- a) An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;
- b) Suitable provision for access by public transport;
- c) Appropriate parking and where applicable, servicing space in accordance with required standards;
- d) Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;
- e) Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;
- f) Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance.

Paragraph 4.11.1 states “Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”

Paragraph 4.11.2 states “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design”.

Paragraph 4.11.3 states “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 states “The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:

- 2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.



Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) states:

- 2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.
- 2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

### **THIRD PARTY REPRESENTATIONS**

The numbers proposed are more than LDP allocation, however the LDP is a notional figure and each case is looked at on its merits at application stage. In this case, the layout and design has been assessed and is considered to be acceptable.

There is third party concern over highway safety and highway capacity. The access is proposed via Garreglwyd, and has been assessed on its merits and in conjunction with a larger housing allocation which is proposed to be served off the same road. The larger allocation has a pending application and will be determined on its merits also. It is understood that a new road layout is necessary to accommodate the extra traffic, but that is not subject to this proposal and this proposal can be accommodated within the existing network. It is considered that the proposal can be accommodated without adverse impacts on highway safety with regards to visibility onto A484 or congestion within the existing estate.

School capacity at Pembrey has been considered separately through the Council's Modernising Education Programme. The education section is aware of the housing allocations and is able to therefore plan accordingly.

Sewerage capacity within the area has been assessed and a sewer diversion is proposed to accommodate the development both physically and in terms of capacity. Dwr Cymru/Welsh Water has no objection in principle, however seek a more detailed scheme, so a suitable condition is recommended below.

There has been a query over the location of site notices, however the community has been consulted through site and press notice as required under the General Development Order. Site notices have been placed in locations which are clear, and there have been several responses.

A third party has suggested an alternative foul drainage proposal which would allow more units. This however is not part of the proposal so is not material to the determination of this application.

### **CONCLUSION**

The site is within the settlement development limits of Pembrey and allocated for housing. It therefore forms part of the Local Development Plan strategy for the village.

The design and appearance of the fourteen dwellings is considered to be acceptable and would be in keeping with the area. The plots are of a sufficient size as to accommodate an appropriate garden and parking for each plot so it is not considered to be over development of the site.

The site is subject to a Test of Likely Significant Effect and any resolution is subject to the proposal being signed off by NRW.

There is some concern from third parties given the larger housing development also served by Garreglwyd, however this proposal needs to be looked at on its merits as a stand-alone proposal. On balance, the applicant has demonstrated that the site can be developed without detriment to highway safety and the amenities of third parties. Therefore the application is recommended for approval subject to the completion of the Test of Likely Significant Effect.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - 1:200 scale Proposed Foul Water Drainage Layout. Drawing No. 00001 P01 dated 24<sup>th</sup> October 2017;
  - 1:50 & 1:100 scale House Type A ~ Floor Plans, Elevations and Sections. Drawing No. DR-03 dated 24<sup>th</sup> October 2017;
  - 1:50 & 1:100 scale House Type B ~ Floor Plans, Elevations and Sections. Drawing No. DR-04 dated 24<sup>th</sup> October 2017;
  - 1:50 & 1:100 scale House Type C ~ Floor Plans and Elevations. Drawing No. DR-06 dated 24<sup>th</sup> October 2017;
  - 1:20 & 1:50 scale Proposes Cycle Link Bridge. Drawing No. DR-09 dated 8<sup>th</sup> December 2017;
  - 1:200 & 1:500 scale Proposed Site Plan and Drainage Layout. Drawing No. DR-02C dated 1<sup>st</sup> February 2018.
- 3 Prior to commencement of development a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;

- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
  - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing.
- 4 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 5 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of the carriageway.
- 6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 7 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 8 The cycle bridge shall be construction and available for use prior to the occupation of the first dwelling herewith approved.
- 9 No development approved by this permission shall be commenced until a Water Vole mitigation strategy is submitted to and approved in writing by the Local Planning Authority. The strategy should deliver the existing mitigation measures outlined within the report and address the design and construction methodology for the proposed new bridge and headwall.
- 10 No development approved by this permission shall be commenced until a lighting plan is submitted to and approved in writing by the Local Planning Authority.
- 11 The development shall take place strictly in accordance with the recommendations contained within the submitted Flood Consequence dated 31<sup>st</sup> October 2017.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 In the interests of visual amenity.
- 3 To secure appropriate affordable housing in perpetuity.
- 4 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment
- 5-8 In the interests of highway safety.
- 9-10 In the interests of Protected Species.
- 11 To account for the effects of climate change.

## **REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development complies with Policy SP1 & GP1 of the LDP in that it is sensitive infilling on a site with extant full permission for a road and plot layout, which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policies TR2 & TR3 in that the proposal is not likely to be detrimental to highway safety.
- The proposed development complies with Policy AH1 in that the applicant is the County Council and the site is for 100% affordable housing.

## **NOTES**

- 1 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement if development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>S/36834</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE FROM A CLASS C3, 4 BEDROOM DWELLING TO A CLASS C4, 4 BEDROOM HMO. ASSOCIATED ALTERATIONS TO 2 FRONT WINDOWS TO PROVIDE EMERGENCY ACCESS AT 9 GREAT WESTERN TERRACE, LLANELLI, SA15 2ND

<b>Applicant(s)</b>	LAYALI INVESTMENTS LTD - ANDY WERNER, 27 OLD GLOUCESTER STREET, LONDON,
<b>Agent</b>	STUDIO FONTANELLE - SAI GIRIDHAR, 3 LLANERCH TERRACE, LLANELLI, SA15 3RR
<b>Case Officer</b>	Hasnain Ikram
<b>Ward</b>	Glan Y Mor
<b>Date of validation</b>	19/02/2018

## CONSULTATIONS

**Llanelli Town Council** – Formally objected to the application on the following grounds:-

- Contravenes Policy GP1 part (d) that no proposal will be permitted that will have a significant impact on the amenity of adjacent land uses.
- Contravenes Policy H3 part (a) that applications will not be permitted if they result in the over intensification of property use.
- 
- Glanymor and Tyisha wards are already oversaturated with HMO properties.
- Local members feel that there was an urgent need for regeneration in this area and the introduction of more C4 class HMO properties would have a detrimental effect on the area.

**Local Member** – County Councillor John Prosser objected to the application, on the following grounds:-

- We already have a large amount of HMO in this area and it is not helping Glanymor by attracting a transient population. We should be attracting young families into the area instead.

- Glanymor has an above average of 25 to 40 year old single males living in the ward and this application will not help.

**Neighbours/Public** - The application has been publicised by letters being sent out to the adjoining properties, the following matters were raised by a neighbourhood petition and two letters of objection:-

- 1 Great Western Terrace is already an HMO, owned and operated by Caer Llas Cymru, with all of the related problems that comes with such a service provider.
- Chose Life (the drug users' drop-in centre) is adjacent to Great Western Terrace, causing numerous issues for residents in the surrounding streets.
- There seems absolutely no way of ascertaining whether the agent as an individual or the proposed absentee landlords pass the 'fit and proper' test and so are in any way qualified to properly manage an HMO. I believe that further investigation should be undertaken into all concerned, to establish their credibility.
- A brand new primary school has just been built in the next street. We believe that this will attract young families to the area. Surely it is the aim of the council to offer 'a high quality of life within safe, accessible and inclusive communities', then homes should be available for such families, rather than further fragmenting the community with HMO's which merely offer a short term solution to an individual's housing needs.
- We would also challenge the applicant's statement that 'the walkable proximity to shops, buses... and other amenities will make it unnecessary for the use of a car and the need for more parking spaces'. There are already parking issues in the street and access for delivery vehicles and refuse collection is often adversely effected. The street is narrow with cars parked on both sides and is to all intents a dead-end. Some delivery vehicles are unable to manoeuvre the 90 degree corner into the lane and the end of the street, so are forced to reverse to whether they are now normally able to turn the vehicle. More cars parked at that end of the street could cause havoc. And where, we ask, are all these employment opportunities within walking distance of Great Western Terrace?
- We would challenge the applicant's statement that 'provision of this kind of accommodation will encourage the coming together of different people within the community and promote cultural, social and economic vibrancy in the neighbourhood' in fact, the HMO at 1 Great Western Terrace has proved the opposite.
- There has been a noticeable increase in the quantity of HMO in recent years with a high proportion of these being concentrated across the Glanymor Ward in particular.
- It needs to be recognised that unfortunately our area is currently ranked as the second most deprived ward in the County and has previously had a number of anti-social problems.
- There is a possibility that there would likely be a detrimental effect on the proposed development on the character of the local area in question too.
- The Council should now instead be looking to bring more young families into this area. I feel that these applications as outlined will not help in moving the area forward which must now be a priority.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site is a terraced dwelling located in 9 Great Western Terrace, which is within close proximity to the newly developed Copperworks School, at the Former Draka Site. The property is of a modest size, with a small provision of amenity space to the rear.

### **THE PROPOSAL**

The description of the proposal is 'Change of use from a Class C3, 4 bedroom dwelling to a Class C4, 4 bedroom HMO, associated alterations to 2 front windows to provide emergency access. The application therefore is a full planning application for a change of use.

The existing internal floor layout is to remain unchanged, however the windows will see alteration in order to provide a means of escape. There will be no uplift in residential floor space, and no gain in bedrooms.

Parking spaces will not be provided on-street as it is considered a sustainable location, and pedestrian methods of transport would be suitable. Highways have raised no concerns in relation to the application.

## **PLANNING POLICY**

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014.

In the context of the current development control policy framework the site is within the settlement development limits of Llanelli Town as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

The LDP policies which the proposal has been assessed against are Sustainability & High Quality Design (GP1), Development Limits (GP2), Housing within Development Limits (H2) and Conversion or Subdivision of Existing Dwellings (H3) which are all deemed relevant to this form of development.

Policy GP1 – Sustainability and High Quality Design

- (a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing.
- c) Utilises materials appropriate to the area within which it is located.
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community.



- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water.

The relevant parts of the policy can be seen above. The proposal satisfies the relevant parts of Policy GP1 as it conforms to the existing character as the spatial characteristics of the proposal are in keeping with the existing dwelling. The proposal does not seek to change the existing dwelling house, meaning that the existing features and character is to be retained.

The impact on the amenity of adjacent land uses is seen to be minimal, with no significant impact to adjacent land uses, properties or residents as the proposal is for a change of use to a HMO from a dwelling house – there is no significant change in use as both aspects are residential, and there is no uplift in bedrooms provided.

#### Policy GP2 – Development Limits

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

The development is within limits and therefore satisfies the requirements of Policy GP2 which are highlighted above.

#### Policy H3 Conversion or Subdivision of Existing Dwellings

Proposals for the conversion or sub-division of appropriate dwellings into flats or dwellings of multiple occupation, will be permitted provided that:

- (a) It would not result in an over-intensification of use;
- (b) Suitable parking provision is available, or made available;
- (c) The architectural quality, character and appearance of the building is, where applicable, safeguarded and its setting not unacceptably harmed.

6.2.20 This policy seeks to reflect the potential of conversion opportunities in appropriate existing dwellings as alternatives to new build. Such opportunities can often provide additional range and choice to the housing stock and offer alternatives for property owners, where single occupancy of larger dwellings is no longer appropriate.

6.2.21 Extensions should be subordinate to, and compatible with the size, type and character of the existing dwelling and not result in over development (reference should be made to policy GP6 - Extensions). Proposals will where appropriate be encouraged to incorporate the re-use of materials as part of any development.

6.2.22 Regard should be had to Paragraph 6.6.20 and the effect of proposals on European protected species.

In relation to (a), the development would not result in an over-intensification of use as the property is currently a four bedroom house, and is to be converted to a 4 bedroom HMO, no internal floor space is to be gained and the floor layout of the existing house is to be retained.

In regards to (b), there is no need for the applicant to provide parking provisions as the dwelling is within a sustainable location. The proximity of the dwelling to immediate amenities can be seen in page 5 of the supportive statement which has been submitted, stating the following:

Destination	Walking	Bicycle	Bus	Car/Taxi
Llanelli Bus Stop	1 min	N/A	N/A	N/A
Llanelli Railway Station	4 mins	1 min	N/A	2 min
Supermarket (Asda)	17 mins	5 mins	N/A	6 mins
Parc Trostre Retail Park	27 mins	8 mins	29 mins	7 mins
GP Surgery	12 mins	3 mins	N/A	5 mins

The architectural quality and character of the dwelling would not be harmed, as the only material alterations to the dwelling is the replacement of existing windows in order to provide escapes. This would satisfy Part (c) of Policy H3.

### **THIRD PARTY REPRESENTATIONS**

Comments made by third party representations have raised a number of issues relating to the proposal:

No. 1 Great Western Terrace is already an HMO, owned and operated by Caer Llas Cymru, with all of the related problems that comes with such a service provider.

Having an existing HMO in close proximity to the application site is not in itself a valid grounds for objection.

Chose Life (the drug users' drop-in centre) is adjacent to Great Western Terrace, causing numerous issues for residents in the surrounding streets.

The adjacent drop in centre, again would not be a reason to refuse the proposed scheme.

There seems absolutely no way of ascertaining whether the agent as an individual or the proposed absentee landlords pass the 'fit and proper' test and so are in any way qualified to properly manage an HMO. I believe that further investigation should be undertaken into all concerned, to establish their credibility.

The competencies of an individual, is not something planning officers or the planning system critique. All landlords now have to be Rent Smart Wales accredited, which is governed by legislation not relating to planning. Also, HMO licenses have to be granted by the Housing Department & Licensing Committee, which ensures that the property is suitable and reaches the required standards set. A planning application cannot be considered on the basis of the competencies of the individuals and companies involved as this is not a material planning

consideration. The property would have to be compliant with Building Regulations, and would also have to have a HMO license granted in order to be lawful.

A brand new primary school has just been built in the next street. We believe that this will attract young families to the area. Surely it is the aim of the council to offer 'a high quality of life within safe, accessible and inclusive communities', then homes should be available for such families, rather than further fragmenting the community with HMO's which merely offer a short term solution to an individual's housing needs.

A concern which has been raised in the points raised by the residents relate to the significant issues concerning the parking traffic issues that arise within Great Western Terrace. The specific point raised was that 'there are already parking issues in the street and access for delivery vehicles and refuse collection is often adversely affected more cars parked at the end of the street could cause havoc'. It is reasonable to assume that a HMO would generate less traffic flows, and occupants would be more likely to use pedestrian methods of transport – therefore causing an improvement to the areas existing transport issues, given that car ownership would be lower amongst HMO occupants.

There is a demand for short term solution housing, and the proposal would help to provide accommodation for those in need for an affordable solution.

The objectors challenge the applicant's statement that 'the walkable proximity to shops, buses... and other amenities will make it unnecessary for the use of a car and the need for more parking spaces'. There are already parking issues in the street and access for delivery vehicles and refuse collection is often adversely effected. The street is narrow with cars parked on both sides and is to all intents a dead-end. Some delivery vehicles are unable to manoeuvre the 90 degree corner into the lane and the end of the street, so are forced to reverse to whether they are now normally able to turn the vehicle. More cars parked at that end of the street could cause havoc. And where, we ask, are all these employment opportunities within walking distance of Great Western Terrace?

The point that has been made by the agent, is that the proposal would not require any further parking provisions or the use of vehicles as it is in a sustainable location, which would mean that pedestrian methods of transport (i.e. walking, cycling and public transport) are more likely to be used. This would allow for a reduction in vehicular movements to and from the area. The dwelling is in close proximity to bus stations, with [Reference for Bus Stop] being situated [Distance from house].

In regards to employment opportunities within close proximity of Great Western Terrace, Llanelli Town Centre is located 0.7 miles away – which would equate to 4 minutes of travel via a bicycle, and 14 minutes by foot. Llanelli Town Centre is one of the main employment centres within the local area. Trostre is also a major employment centre for the local economy, which is located 1.4 miles from the application site, and can be reached in 8 minutes via bicycle.

The objectors also challenge the applicant's statement that 'provision of this kind of accommodation will encourage the coming together of different people within the community and promote cultural, social and economic vibrancy in the neighbourhood' in fact, the HMO at 1 Great Western Terrace has proved the opposite.

The classification of a HMO is not the reason for why neighbours may perceive the impact that 1 Great Western Terrace has had. The tenants occupying the property, may have been

untoward, however we cannot make the assumption that any other properties will have the same sort of issues – this would be creating a biased assumption against the proposal, due to a negative experience with another property

As stated in the description, the applications indicates a change of use from a Class C3 4 bedroom dwelling to that of a Class C4 4 bedroom HMO. There has been a noticeable increase in the quantity of HMO in recent years with a high proportion of these being concentrated across the Glanymor Ward in particular.

Should there be a high demand for this form of accommodation within the local area, and the proposal would help to meet that demand and provide a more affordable form of accommodation, the application is seeking to satisfy a need for such residential accommodation. The applicant has identified a requirement in the local area and is providing a suitable solution.

It needs to be recognised that unfortunately our area is currently ranked as the second most deprived ward in the County and has previously had a number of anti-social problems.

Whilst this is a concern within the local area, partly fuelled by problems experienced at another property in separate ownership, we are bound to consider the current application on its merits, independent of similar developments elsewhere.

There is a possibility that there would likely be a detrimental effect on the proposed development on the character of the local area in question too.

The character of the local area is unlikely to be significantly affected by the conversion of an existing residential dwelling, into a HMO which is not to be altered in terms of floor layout or residential floor space.

An opinion has been expressed that the Council should now instead be looking to bring more young families into this area. The opinion expressed is that this application outlined will not help in moving the area forward which must now be a priority.

Such views and opinions go beyond what is currently being proposed under this application and would form part of any wider regeneration initiative which is not relevant to the consideration of this particular planning application.

It is opined that there are already a large amount of HMOs in this area and it is not helping Glanymor by attracting a transient population. The council should be attracting young families into the area instead.

The area is well connected with local provisions and required services, the Glanymor area has a wide area which is considered sustainable and reduces the requirement of private vehicular use, allowing residents who are unable to access private methods of transport to still be able to access basic amenities, services and so forth. The area lends itself towards this form of accommodation due to the permeability within the area.

Glanymor has an above average of 25 to 40 year old single males living in the ward and this application will not help.

The demographics of the area not necessarily material to the consideration of this single application, which has to be considered on its individual merits.

## **CONCLUSION**

The site is within the settlement limits of Llanelli Town so the principle of development is acceptable provided all other material considerations can be met. There has been no previous applications on the site to date.

The proposal would not be considered to constitute over development. The proposal would not lead to a detrimental impact on the surrounding land uses, as there is to be no uplift in potential residents at the dwelling.

By means of conditions the LPA are able to limit the number of residents within the dwelling, to ensure that the dwelling does not become used over-intensely. The applicant would also be required to comply with HMO regulations and obtain a license prior to any occupation of the dwelling, and the dwelling would have to be compliant with the relevant building regulations set out by Building Control.

The material issues raised have been addressed by conditions to be imposed on the consent. On balance, the concerns relating to the development which are considered to be planning related have been identified and addressed accordingly.

The proposed development is not considered to be detrimental to the existing street scene or the character of the street, therefore the application is recommended for approval, subject to the following conditions.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced no later than the five years from the date of this permission.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans dated 9<sup>th</sup> February, 2018:-
  - 1:50 scale Existing Ground and First Floor Plans [01];
  - 1:50 scale Proposed Ground and First Floor Plans [02];
  - 1:500, 1:1250 scale Block and Location Plan [03].
- 3 The premises shall be used as a house in multiple occupation for no more than four persons and shall not be used for any other purpose.

### **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.

- 3 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

**NOTE(S)**

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

<b>Application No</b>	<b>S/36835</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE FROM A CLASS C3, 4 BEDROOM DWELLING TO A CLASS C4, 4 BEDROOM HMO. ASSOCIATED ALTERATIONS TO 2 NO FIRST FLOOR BEDROOM WINDOWS TO PROVIDE EMERGENCY ACCESS AT 7 GREAT WESTERN TERRACE, LLANELLI, SA15 2ND

<b>Applicant(s)</b>	CANAIMA PROPERTIES LTD - DESIREE FUNG BARBOZA, 31 MATHESON RD, LONDON , W14 8SN,
<b>Agent</b>	STUDIO FONTANELLE - SAI GIRIDHAR, 3 LLANERCH TERRACE, LLANELLI, SA15 3RR
<b>Case Officer</b>	Hasnain Ikram
<b>Ward</b>	Glan Y Mor
<b>Date of validation</b>	19/02/2018

## CONSULTATIONS

**Llanelli Town Council** – Formally objected to the application on the following grounds:

- Contravenes Policy GP1 part (d) that no proposal will be permitted that will have a significant impact on the amenity of adjacent land uses.
- Contravenes Policy H3 part (a) that applications will not be permitted if they result in the over intensification of property use.
- Glanymor and Tyisha Wards are already oversaturated with HMO properties.
- Local members feel that there was an urgent need for regeneration in this area and the introduction of more C4 class HMO properties would have a detrimental effect on the area.

**Local Member** – County Councillor John Prosser objected to the application on the following grounds:-

- We already have a large amount of HMO in this area and it is not helping Glanymor by attracting a transient population. We should be attracting young families into the area instead.

- Glanymor has an above average of 25 to 40 year old single males living in the ward and this application will not help.

**Neighbours/Public** - The application has been publicised by letters being sent out to the adjoining properties, the following matters were raised by a neighbourhood petition and two letters of objection:-

- 1 Great Western Terrace is already an HMO, owned and operated by Caer Llas Cymru, with all of the related problems that comes with such a service provider.
- Chose Life (the drug users' drop-in centre) is adjacent to Great Western Terrace, causing numerous issues for residents in the surrounding streets.
- There are two different and apparently unrelated companies, simultaneously making these two planning applications. It is just a coincidence that two recently formed, unrelated independent limited companies should both employ the same agent at the same time, to make planning application for two adjacent houses in the same street in a town 200 miles away? Canaima Properties Ltd. Was incorporated on 8th January 2018. It is a £100 company with no assets. Lyali Investments was incorporated on 21st April 2017. It is also a £100 company with no assets. There are two directors who are registered as living in the United Arab Emirates! Neither company has filed accounts to date so no scrutiny is possible.
- There seems absolutely no way of ascertaining whether the agent as an individual or the proposed absentee landlords pass the 'fit and proper' test and so are in any way qualified to properly manage an HMO. I believe that further investigation should be undertaken into all concerned, to establish their credibility.
- A brand new primary school has just been built in the next street. We believe that this will attract young families to the area. Surely it is the aim of the council to offer 'a high quality of life within safe, accessible and inclusive communities', then homes should be available for such families, rather than further fragmenting the community with HMO's which merely offer a short term solution to an individual's housing needs.
- We would also challenge the applicant's statement that 'the walkable proximity to shops, buses... and other amenities will make it unnecessary for the use of a car and the need for more parking spaces'. There are already parking issues in the street and access for delivery vehicles and refuse collection is often adversely effected. The street is narrow with cars parked on both sides and is to all intents a dead-end. Some delivery vehicles are unable to manoeuvre the 90 degree corner into the lane and the end of the street, so are forced to reverse to whether they are now normally able to turn the vehicle. More cars parked at that end of the street could cause havoc. And where, we ask, are all these employment opportunities within walking distance of Great Western Terrace?
- We would challenge the applicant's statement that 'provision of this kind of accommodation will encourage the coming together of different people within the community and promote cultural, social and economic vibrancy in the neighbourhood' in fact, the HMO at 1 Great Western Terrace has proved the opposite.
- There has been a noticeable increase in the quantity of HMO in recent years with a high proportion of these being concentrated across the Glanymor Ward in particular.



- It needs to be recognised that unfortunately our area is currently ranked as the second most deprived ward in the County and has previously had a number of anti-social problems.
- There is a possibility that there would likely be a detrimental effect on the proposed development on the character of the local area in question too.
- The Council should now instead be looking to bring more young families into this area. I feel that these applications as outlined will not help in moving the area forward which must now be a priority.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site is a terraced dwelling located Great Western Terrace, which is within close proximity to the newly developed Copperworks School, at the Former Draka Site in Llanelli. The property is of a modest size, with a small provision of amenity space to the rear.

### **THE PROPOSAL**

The description of the proposal is 'Change of use from a Class C3, 4 bedroom dwelling to a Class C4, 4 bedroom HMO, associated alterations to 2 front windows to provide emergency access'. The application therefore is a full planning application for a change of use.

The existing internal floor layout is to remain unchanged, however the windows will see alteration in order to provide a means of escape. There will be no uplift in residential floor space, and no gain in bedrooms.

Parking spaces will not be provided on-street as it is considered a sustainable location, and pedestrian methods of transport would be suitable. Highways have raised no concerns in relation to the application.

## **PLANNING POLICY**

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014.

In the context of the current development control policy framework the site is within the settlement development limits of Llanelli Town as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

The LDP policies which the proposal has been assessed against are Sustainability & High Quality Design (GP1), Development Limits (GP2) and Conversion or Subdivision of Existing Dwellings (H3) which are all deemed relevant to this form of development.

Policy GP1 – Sustainability and High Quality Design

- (a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing.
- c) Utilises materials appropriate to the area within which it is located.
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community.
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water.

The relevant parts of the policy can be seen above. The proposal satisfies the relevant parts of Policy GP1 as it conforms to the existing character as the spatial characteristics of the proposal are in keeping with the existing dwelling. The proposal does not seek to change the existing dwelling house, meaning that the existing features and character is to be retained.

The impact on the amenity of adjacent land uses is seen to be minimal, with no significant impact to adjacent land uses, properties or residents as the proposal is for a change of use to a HMO from a dwelling house – there is no significant change in use as both aspects are residential, and there is no uplift in bedrooms provided.

#### Policy GP2 – Development Limits

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

The development is within limits and therefore satisfies the requirements of Policy GP2 which are highlighted above.

#### Policy H3 Conversion or Subdivision of Existing Dwellings

Proposals for the conversion or sub-division of appropriate dwellings into flats or dwellings of multiple occupation, will be permitted provided that:

- (a) It would not result in an over-intensification of use;
- (b) Suitable parking provision is available, or made available;
- (c) The architectural quality, character and appearance of the building is, where applicable, safeguarded and its setting not unacceptably harmed.

6.2.20 This policy seeks to reflect the potential of conversion opportunities in appropriate existing dwellings as alternatives to new build. Such opportunities can often provide

additional range and choice to the housing stock and offer alternatives for property owners, where single occupancy of larger dwellings is no longer appropriate.

6.2.21 Extensions should be subordinate to, and compatible with the size, type and character of the existing dwelling and not result in over development (reference should be made to policy GP6 - Extensions). Proposals will where appropriate be encouraged to incorporate the re-use of materials as part of any development.

6.2.22 Regard should be had to Paragraph 6.6.20 and the effect of proposals on European protected species.

In relation to (a), the development would not result in an over-intensification of use as the property is currently a four bedroom house, and is to be converted to a 4 bedroom HMO, no internal floor space is to be gained and the floor layout of the existing house is to be retained.

In regards to (b), there is no need for the applicant to provide parking provisions as the dwelling is within a sustainable location. The proximity of the dwelling to immediate amenities can be seen in page 5 of the supportive statement which has been submitted, stating the following:

Destination	Walking	Bicycle	Bus	Car/Taxi
Llanelli Bus Stop	1 min	N/A	N/A	N/A
Llanelli Railway Station	4 mins	1 min	N/A	2 min
Supermarket (Asda)	17 mins	5 mins	N/A	6 mins
Parc Trostre Retail Park	27 mins	8 mins	29 mins	7 mins
GP Surgery	12 mins	3 mins	N/A	5 mins

The architectural quality and character of the dwelling would not be harmed, as the only material alterations to the dwelling is the replacement of existing windows in order to provide escapes. This would satisfy Part (c) of Policy H3.

### **THIRD PARTY REPRESENTATIONS**

Comments made by third party representations have raised a number of issues relating to the proposal:

No. 1 Great Western Terrace is already an HMO, owned and operated by Caer Llas Cymru, with all of the related problems that comes with such a service provider.

Having an existing HMO in close proximity to the application site is not in itself a valid grounds for objection.

Chose Life (the drug users' drop-in centre) is adjacent to Great Western Terrace, causing numerous issues for residents in the surrounding streets.

The adjacent drop in centre, is not in itself a valid grounds for objection

There are two different and apparently unrelated companies, simultaneously making planning applications for HMOs. It is just a coincidence that two recently formed, unrelated independent limited companies should both employ the same agent at the same time, to

make planning application for two adjacent houses in the same street in a town 200 miles away?

The above points raised are not planning related.

A planning application cannot be considered on the basis of the competencies of the individuals and companies involved as this is not a material planning consideration. The property would have to be compliant with Building Regulations, and would also have to have a HMO license granted in order to be lawful.

There seems absolutely no way of ascertaining whether the agent as an individual or the proposed absentee landlords pass the 'fit and proper' test and so are in any way qualified to properly manage an HMO. I believe that further investigation should be undertaken into all concerned, to establish their credibility.

The competencies of an individual, is not something planning officers or the planning system critique. All landlords now have to be Rent Smart Wales accredited, which is governed by legislation not relating to planning. Also, HMO licenses have to be granted by the Housing Department & Licensing Committee, which ensures that the property is suitable and reaches the required standards set. The property would have to be compliant with Building Regulations, and would also have to have a HMO license granted in order to be lawful.

A brand new primary school has just been built in the next street. We believe that this will attract young families to the area. Surely it is the aim of the council to offer 'a high quality of life within safe, accessible and inclusive communities', then homes should be available for such families, rather than further fragmenting the community with HMO's which merely offer a short term solution to an individual's housing needs.

A concern which has been raised in the points raised by the residents relate to the significant issues concerning the parking traffic issues that arise within Great Western Terrace. The specific point raised was that 'there are already parking issues in the street and access for delivery vehicles and refuse collection is often adversely affected... more cars parked at the end of the street could cause havoc'. It is reasonable to assume that a HMO would generate less traffic flows, and occupants would be more likely to use pedestrian methods of transport – therefore causing an improvement to the areas existing transport issues, given that car ownership is likely to be lower amongst HMO occupants.

There is a demand for short term solution housing, and the proposal would help to provide accommodation for those in need for an affordable solution.

The objectors challenge the applicant's statement that 'the walkable proximity to shops, buses... and other amenities will make it unnecessary for the use of a car and the need for more parking spaces'. There are already parking issues in the street and access for delivery vehicles and refuse collection is often adversely effected. The street is narrow with cars parked on both sides and is to all intents a dead-end. Some delivery vehicles are unable to manoeuvre the 90 degree corner into the lane and the end of the street, so are forced to reverse to whether they are now normally able to turn the vehicle. More cars parked at that end of the street could cause havoc. And where, we ask, are all these employment opportunities within walking distance of Great Western Terrace?

The point that has been made by the agent, is that the proposal would not require any further parking provisions or the use of vehicles as it is in a sustainable location, which would mean

that pedestrian methods of transport (i.e. walking, cycling and public transport) are more likely to be used. This would allow for a reduction in vehicular movements to and from the area. The dwelling is in close proximity to bus stations, with [Reference for Bus Stop] being situated [Distance from house].

In regards to employment opportunities within close proximity of Great Western Terrace, Llanelli Town Centre is located 0.7 miles away – which would equate to 4 minutes of travel via a bicycle, and 14 minutes by foot. Llanelli Town Centre is one of the main employment centres within the local area. Trostre is also a major employment centre for the local economy, which is located 1.4 miles from the application site, and can be reached in 8 minutes via bicycle.

The objectors also challenge the applicant's statement that 'provision of this kind of accommodation will encourage the coming together of different people within the community and promote cultural, social and economic vibrancy in the neighbourhood' in fact, the HMO at 1 Great Western Terrace has proved the opposite.

The classification of a HMO is not the reason for why neighbours may perceive the impact that 1 Great Western Terrace has had. The tenants occupying the property, may have been untoward, however we cannot make the assumption that any other properties will have the same sort of issues – this would be creating a biased assumption against the proposal, due to a negative experience with another property. This would not be a thorough planning based reason for refusal.

As stated in the description, the applications indicates a change of use from a Class C3 4 bedroom dwelling to that of a Class C4 4 bedroom HMO. There has been a noticeable increase in the quantity of HMO in recent years with a high proportion of these being concentrated across the Glanymor Ward in particular.

Should there be a high demand for this form of accommodation within the local area, and the proposal would help to meet that demand and provide a more affordable form of accommodation, the application is seeking to satisfy a need for such residential accommodation. The applicant has identified a requirement in the local area and is providing a suitable solution.

It needs to be recognised that unfortunately our area is currently ranked as the second most deprived ward in the County and has previously had a number of anti-social problems.

Whilst this is a concern within the local area, partly fuelled by problems experienced at another property in separate ownership, we are bound to consider the current application on its merits, independent of similar developments elsewhere.

There is a possibility that there would likely be a detrimental effect on the proposed development on the character of the local area in question too.

The character of the local area is unlikely to be significantly affected by the conversion of an existing residential dwelling, into a HMO which is not to be altered in terms of floor layout or residential floor space.

An opinion has been expressed that the Council should now instead be looking to bring more young families into this area. The opinion expressed is that this applications as outlined will not help in moving the area forward which must now be a priority.

Such views and opinions go beyond what is currently being proposed under this application and would form part of any wider regeneration initiative which is not relevant to the consideration of this particular planning application.

It is opined that there are already a large amount of HMOs in this area and it is not helping Glanymor by attracting a transient population. The council should be attracting young families into the area instead.

The area is well connected with local provisions and required services, the Glanymor area has a wide area which is considered sustainable and reduces the requirement of private vehicular use, allowing residents who are unable to access private methods of transport to still be able to access basic amenities, services and so forth. The area lends itself towards this form of accommodation due to the permeability within the area.

Glanymor has an above average of 25 to 40 year old single males living in the ward and this application will not help.

The demographics of the area are not necessarily material to the consideration of this single application, which has to be considered on its individual merits.

## **CONCLUSION**

The site is within the settlement limits of Llanelli Town so the principle of development is acceptable provided all other material considerations can be met. There has been no previous applications on the site to date.

The proposal would not be considered ~~constituted~~ to constitute as over development. The proposal would not lead to a detrimental impact on the surrounding land uses, as there is to be no uplift in potential residents at the dwelling.

By means of conditions the LPA are able to limit the number of residents within the dwelling, to ensure that the dwelling does not become used over-intensely. The applicant would also be required to comply with HMO regulations and obtain a license prior to any occupation of the dwelling, and the dwelling would have to be compliant with the relevant building regulations set out by Building Control.

The material issues raised have been addressed by conditions to be imposed on the consent. On balance, the concerns relating to the development which are considered to be planning related have been identified and addressed accordingly.

The proposed development is not considered to be detrimental to the existing street scene or the character of the street, therefore the application is recommended for approval, subject to the following conditions.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced no later than the five years from the date of this permission.

- 2 The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans dated 9th February, 2018:-
- 1:50 Scale Existing Ground and First Floor Plans [01];
  - 1:50 Scale Proposed Ground and First Floor Plans [02];
  - 1:500, 1:1250 Scale Block and Location Plan [03].
- 3 The premises shall be used as a house in multiple occupation for no more than four persons and shall not be used for any other purpose.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

## **NOTE(S)**

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

**ADDITIONAL ITEMS FOR DECISION**



<b>Application No</b>	<b>S/35215</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RESIDENTIAL DEVELOPMENT FOR 51 DWELLINGS TOGETHER WITH ASSOCIATED WORKS AT LAND OFF CLOS Y BENALLT FAWR, FFOREST, SWANSEA, SA4 0TQ

<b>Applicant(s)</b>	PERSIMMON HOMES WEST WALES - LUKE DAVIES, DRAGON HOUSE, PARC Y DDRAIG, PENLLERGAER BUSINESS PARK, PENLLERGAER, SWANSEA, SA4 9HJ
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Hendy
<b>Date of validation</b>	06/03/2017

## **APPRAISAL**

The application was reported to Planning Committee on the 20th February 2018, whereupon the Committee resolved to refuse planning permission. The reasons for refusal were defined by Members and are set out below for ratification:-

### **RECOMMENDATION – REFUSAL**

## **REASONS**

- 1 The proposal is contrary to Policy GP1 ‘Sustainability and High Quality Design’ of the Carmarthenshire Local Development Plan:-

### **Policy GP1 Sustainability and High Quality Design**

**Development proposals will be permitted where they accord with the following:**

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;

- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

**Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).'**

In that the proposed number of dwellings exceeds that identified in the Local Development Plan and will result in an overly dense development that will not conform with and enhance the character and appearance of the area in terms of its design and layout.

- 2 The proposal is contrary to Policy EQ6 'Special Landscape Areas' of the Carmarthenshire Local Development Plan:-

#### **Policy EQ6 Special Landscape Areas**

**Special Landscape Areas are designated in the following locations and as identified on the Proposals Map:**

**Tywi Valley  
Carmarthenshire Limestone Ridge  
Teifi Valley  
Drefach Velindre  
Bran Valley (North of Llandovery)  
Mynydd Mallaen  
Llanllwni Mountain  
North Eastern Uplands  
Mynydd y Betws  
Gwendraeth Levels  
Pembrey Mountain  
Swiss Valley  
Talley  
Llwchwr Valley  
Lower Taf Valley  
Cwm Cathan  
Cothi Valley  
Carmarthen Bay and Estuaries**

**Proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of this Plan).**

In that the proposed number of dwellings exceeds that identified in the Local Development Plan and will result in an overly dense development that will not improve or enhance the appearance of the Llwchwr Valley Special Landscape Area in terms of its design and layout.

- 3 The proposal is contrary to Policy TR3 'Highways in Developments – Design Considerations' of the Carmarthenshire Local Development Plan:-

**Policy TR3 Highways in Developments - Design Considerations**

**The design and layout of all development proposals will, where appropriate, be required to include:**

- a) **An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;**
- b) **Suitable provision for access by public transport;**
- c) **Appropriate parking and where applicable, servicing space in accordance with required standards;**
- d) **Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;**

- e) **Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;**
- f) **Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.**

**Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.**

**Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.**

In that it will generate unacceptable levels of traffic on the surrounding road network that will be detrimental to highway safety and the amenity of existing residents.

- 4 The proposal is contrary to the objectives of Technical Advice Note (TAN) 12: Design (2016) which states in paragraph 2.6 that:

**2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.**

In that the proposed number of dwellings exceeds that identified in the Local Development Plan and will result in an overly dense development that will not conform with and enhance the character and appearance of the area in terms of its design and layout.

*Ardal  
Gorllewin/  
Area West*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

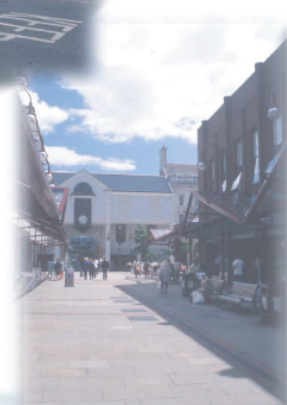
**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING COMMITTEE**

**AR 05 EBRILL 2018  
ON 05 APRIL 2018**

***I'W BENDERFYNU  
FOR DECISION***



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>05 APRIL 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/35730</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF TWO A1 UNITS AND ONE A3 UNIT WITH ASSOCIATED CAR PARKING AT FORMER CARTREF TAWELAN, ASH GROVE, CARMARTHEN, SA31 3PY

<b>Applicant(s)</b>	ASPECT DEVELOPMENTS LTD, C/O AGENT,
<b>Agent</b>	JCR PLANNING LTD - MR JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen West
<b>Date of validation</b>	26/06/2017

## CONSULTATIONS

**Head of Transport** – Have responded raising no objection to the proposal. They recommend a number of planning conditions with any approval. These include those in relation to access layout, gates, visibility, parking provision and provision of a travel plan.

They also provide comments on the assessment of the proposal including the following:

“The proposals seeks use of an improved/widened existing access with new segregated pedestrian footway, from the 20mph statutory speed limited Ash Grove road, that currently serves the care home. The care home is not proposed to be demolished and existing, centrally located, parking provision has been retained for the building’s ongoing use.

A new level footway is proposed to provide direct pedestrian access to the development from the footway adjacent to Jobswell Road.

Parking provision is made within a new car park, in general accordance with the CSS Wales’ Parking Standards 2008 and includes for one disable space, twenty car spaces and a cycle parking area located adjacent to the units. However, the provision of at least one motorcycle space has not been made.

The site access is located within 200m of the National Cycle Route 4 (NCR4) on the B4312 at Monument Hill. Delivery arrangements for the units will allow the 10 metre long Co-Op delivery vehicles to reverse through the proposed new car park. A Delivery Management Plan has been proposed that will be required to provide details for how this will be safely

managed. In feedback provided to the developer it was advised that a delivery management plan be secured with details provided of the schedule and amount of deliveries to the development to ensure that the Co-Op 10m rigid delivery vehicle operates safely and outside of the peak hours. Similar information has been requested for any 3rd party operators that are expected to visit the site eg bread delivery vehicles as used at other similar Co-Op sites. In addition, priority give way markings are now proposed at the access junction into the Cartref Tawelan with the retail development traffic given priority over the Cartref Tawelan traffic.

The planning application was accompanied by a TA (Transport Assessment) dated April 2017. Following a review of that TA the applicant was requested by CCC Highways to provide further information in order that the capacity of Jobswell Road / Monument Hill signal controlled junction could be ascertained using an agreed figure of 10% new trips and allowing for the return to use of the Tawelan Care Home. Amendments were also sought to the proposed parking layout at the development site. However, the Welsh Government highways officers also sought capacity assessment of Jobswell Road / Monument Hill signal controlled junction with a sensitivity test assuming that 100% (all) of the trips attracted to the proposed development are new to the highway network.

This capacity assessment was submitted in the form of a Transport Assessment Addendum (TAA) dated Dec 2017. The TAA submitted presents the results of a more robust scenario than the local we had requested (as a means of addressing comments made by WG/SWTRA on the planning application) and considers all trips generated by the development to be primary trips. The development is forecast to generate 77 and 68 vehicle movements in the AM and PM peaks respectively. In reality only 10% of these trips would be primary trips (new trips) with the remainder already on the surrounding road network.

The junction capacity results presented in the TAA show that the development would have a negligible impact on the Job's Well Road signals and that the junction would continue to operate with a small amount of spare capacity during the AM and PM peak hours".

**Carmarthen Town Council** – Has objected to the proposal on the following grounds:-

- increase in traffic in an already congested area;
- the loss of a green space/impact on the environment;
- the possible negative impact of this new development on any future re-development at the former Glan Tawelan Care home itself (ie the existing building that now stands empty);
- Members require further information about what the proposals regarding the future use of that building before they can make an informed decision on this planning application.

**Local Member** - County Councillor E M J G Schiavone has not responded to date.

County Councillor A D T Speake has objected to the proposal and requested to address the Planning Committee. He has also requested that members carry out a site visit. The following issues were raised:-

- limited information has been provided;
- parking issues from future driver/shoppers parking in nearby streets worsening existing issues;
- insufficient parking provision proposed;

- parking on bends creating highway safety issues;
- the planned increase in the volume of local traffic when the traffic lights at Johnstown Square and the T-junction located at Jobs Well Road/Ash Grove junction is well known to be heavily congested during peak periods of the day time;
- highway and pedestrian safety based on what will be a substantial increase in the volume of local traffic;
- further traffic in the future from Carmarthen West;
- questioning of the investment to the area;
- previous housing developments approved despite warnings over traffic congestion;
- proximity to Tesco store – 95% of the local population drive to the store, 5% walk/cycle;
- insufficient need for a further food store or A3 use as sufficient local facilities;
- further A1/A3 provision leading to impacts on existing small businesses;
- insufficient space for vehicles to manoeuvre within the site;
- questioning of information provided in supporting statements;
- need to consider possible impacts upon the Care Home;
- requests that Care Home proposals be included in the submission.

**Head of Public Protection** – Have responded in relation to a number of considerations.

### Noise

In relation to noise impacts they note that the current site contains a residential care home that, although currently vacant, could potentially be brought back into use as things stand. Also, the area is predominantly residential and there are properties within similar proximity to the proposed unit as the care home along Job's Well Road.

As a result, noise issues should be a consideration for this development, particularly given the long proposed opening hours for the proposed development (6am to 11pm and 8am to 10pm, seven days a week). The siting and selection of plant associated was considered important and refer to conditions regarding noise levels.

A Noise Impact Assessment (NIA) was requested.

Following the submission of additional information including a Noise Impact Assessment further comments were sought and these raise no objection in relation to noise. Conditions are recommended including ones relating to noise levels, opening and delivery times.

### Air Quality

The Transport Assessment identified a potential number of vehicle trips associated with the proposed development at just under 1000 a day. In view of the location of the site being just outside of the boundary of the Carmarthen Air Quality Management Area it was considered prudent to request that an Air Quality Assessment (AQA) be submitted in respect of the proposed development. The AQA should also consider the impact from the proposed conversion of the existing nursing home facility in to an office complex.

Subsequently an Air Quality Assessment has been submitted as part of the application and has been completed in accordance with the relevant legislation and guidance. Local air quality monitoring data has been used as part of model verification and as comparison against to determine potential impacts from the traffic generation associated with the proposed development. The conclusion of the Assessment is that it is unlikely there will be

a significant negative impact from the development in terms of nitrogen dioxide or particulate matter. Additionally, it is hoped that the Carmarthen Western Link will be opened before the completion of this proposed development, if it is granted permission. This would ease the traffic impact from the development and alleviate any impacts on the Carmarthen Air Quality Management Area, which lies in close proximity to the proposed development.

Therefore, it is not considered that the proposed development will have a significant adverse impact on air quality as regulated under the Environment Act 1995 and in relation to the requirements of Local Air Quality Management. In conclusion there were no adverse comments or recommended conditions.

### Dust

A condition has been recommended in relation to managing dust during construction. Details of mitigation measures in relation to dust nuisance were subsequently submitted and these detailed mitigation measures can be conditioned.

### Contamination

Due to the nature of former land uses it was not considered any further details were required and no conditions are recommended.

**Welsh Water/Dwr Cymru** – Offer no objection to the application.

**Land Drainage Officer** – Initially advised that a soakaway test should be carried out as the location of the site is within a built up area. It was stated that an alternative option is available that would require works to be undertaken at the adjacent carriageway. It is now noted however that the applicant has chosen to utilise an Aco Drain across the entrance to control run-off and find this solution acceptable.

**Public Rights of Way** – Have confirmed there are no rights of way affected.

**Natural Resources Wales** – Offer no objection to the application.

**Welsh Government (Transport) (WG)** – Initially responded requesting further information regarding proposed and existing traffic levels. This included questions over whether the existing traffic counts took place before or after the care home had closed. Clarification was sought as to whether the details provided looked at the “worst case scenario” regarding traffic and its impacts.

Further information was subsequently submitted and WG responded stating they do not consider that the proposal would have a material impact on the A40 trunk road and have no objection or further comments to make.

**Neighbours/Public** - The application has been publicised by the posting of Site Notices near to the site. To date nine responses have been received in this application. The following issues were raised:-

- existing parking issues;
- insufficient parking provision for the development;
- possible need to dedicated parking in the surrounding area;
- increase in traffic leading to further congestion;

- questions over who the proposed occupant of the units would be;
- highway safety implications;
- increase in traffic on top of existing issues;
- traffic creating danger for pedestrians;
- there are existing facilities in the area and these are not needed;
- reference to building of a new Primary School on Pontcarreg farmland;
- questions/comments over possible relocation of existing commercial uses elsewhere in the town;
- suggestions of alternative uses for the existing building and the application site;
- disturbance from increased litter, smells, pollution, disturbance and noise from the proposed units;
- development inappropriate to the area;
- loss of trees and green space;
- site is in a residential area;
- timing of transport studies not appropriate – should be during school time traffic.

A petition signed by 582 people opposing the application has also been received. The petition referred to the following objections:-

- increase in traffic on top of existing issues;
- there are existing facilities in the area and these are not needed;
- reference to building of a new Primary School on Pontcarreg farmland.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site comprises part of the grounds of the former Tawelan Care Home. The site is located off the western flank of Jobswell Road, Johnstown at the western end of Carmarthen. The site comprises the southern part of the site which currently has now buildings within it and is grassed. The site is located approximately 95m north of the Jobswell Road Traffic lights where the road meets Monument Hill. The site is bounded to the west by Jobswell Road and to the south and east by Ash Grove. There are residential properties on the opposite side of the road to the south, west and east. To the north of the site is the building formerly used as the care home and the remainder of the grounds. There are further residential properties to the north in the wider site. There is an access to the site off Ash Grove to the eastern side of the site. The land slopes from the north to the south. The application site itself is raised above the road to the south. At the time of the application there were some trees within the grassed area. Along the boundary of the site was an open timber fence.

The application site does not include the care home building itself. While reference was made in the submission initially that there would be an application for the care home to be converted to office running concurrently this has not been the case.

The site is located within the development limits of Carmarthen as delineated by the Carmarthenshire LDP. The site has no specific designation and is “white land”. The site

was formerly in the ownership of the Authority. The site however was sold and the Authority no longer owns any part of the site.

## **THE PROPOSAL**

The application requests full planning permission for the construction of two A1 retail units and one A3 unit with associated parking.

During the application additional information was submitted following the receipt of comments from consultees and comments made on the proposal. This included a noise impact assessment, air quality assessment, amended landscape details and additional information in relation to highways considerations.

The proposal would utilise the existing access with it being appropriately widened. The new drive would then run south west across the site leading to the far end of the site. The buildings would be located at the southern end of the site with the drive/car park areas between the proposed buildings and the former care home building. There are a total of 21 parking spaces proposed either side of the new drive/road. One of these would be a less able space and one a family space. A storage compound is located to the west of the retail units. This would be enclosed with a 2.5m high paladin security fence. Along the western side (Jobswell Road) of the site the application shows the planting of a new hedgerow along the boundary of the retail units. Amended plans have now shown that this hedgerow would continue along the whole of the western boundary of the former care home site. A pedestrian access is proposed off Jobswell Road leading in to the site.

The proposed units would be located in 1 single storey building. The western most end of the building is the largest unit (A1) and measures some 347sqm. The retail floor space would be 232sqm. The middle section is the smaller A1 unit (110sqm) and the eastern most unit is 70sqm. The roofed is proposed to be covered in slate, with grey aluminium rainwater goods, grey aluminium fenestration units, and a mix of walls finished in white render and brickwork with elements of wooden cladding.

In relation to opening hours it is suggested that the larger A1 unit would then operate from 6am to 11pm seven days a week, while the remaining two units, including the A3 unit would operate from 8am to 10pm seven days a week.

External lighting is also proposed at various locations across the site.

Further clarification was given during the application that the lighting. In terms of bin storage areas the agent has commented that the location was chosen on the basis of the orientation of the proposed building's elevations, main access points and service arrangements. Alternative areas further to the south east of the current position and along the south eastern elevation of the building, but these were felt to be more prominent, taking into account site and adjoining land levels, as well as adjoining uses. In terms then of the storage requirements of the two smaller units, these will be met within the proposed units themselves, with no external storage facilities being required.

The landscape scheme submitted with the application was been amended. It is now proposed to have a new hedgerow along the whole of the Jobswell Road boundary, including the land north of the main application site adjacent to the former care home. The hedgerow will run along the western and southern boundaries of the site to the vehicle

access. Amended cross sections showing the hedgerow position and how this would link with the proposed levels of the land have also been submitted.

## **Transport Assessment**

A Transport Assessment was provided looking at the impacts of the proposed development. This refers to three sets of bus stops being located within 60m of the site and that the pedestrian facilities in the vicinity of the site are of good quality with footways, street lighting, and links to the further pedestrian network within the nearby town centre. National Cycle Route 4 (NCR4) is also within 100m of the site.

Looking at the proposed development it states the proposed development has the potential to reduce the need to travel by car and walking has the potential to replace short journeys. The statement acknowledges that the nearby junctions experience congestion at peak times. A peak hour traffic survey was undertaken and observed queues of up to 20 vehicles (120m) commonly occurring on all arms of the junction during peak times. Reference is made to the Carmarthen West relief road easing congestion currently experienced once completed.

The existing access to the site is to be widened to accommodate 2 way access and a segregated footway will also be provided. Reference is made to the CSS Parking Standards which the Authority use and how this provides parking requirements based on the floor area of the units and their use class. Twenty-one spaces are provided as well as a shared commercial vehicle parking space.

TRICS data has been used when looking at likely traffic generation from the proposal. The data considers the type and size of use as well as the general location. The data submitted indicates 2,412 daily people trips to the site of which 1,118 (46%) are anticipated to be pedestrian, 967 (40%) driven, 47 (2%) by public transport, 43 (2%) by cycle. The remaining 237 trips (10%) would be as vehicle passengers. During peak hours it is anticipated there would be 77 vehicle movement in the morning and 68 movements in the afternoon peak hours. Comments are made regarding passer-by trips and transferred trips rather than all journeys being new ones. In this instance it is felt that trips would be transferred in part from Tesco. With the combined impact of the pass-by, transferred, diverted and new trips associated with the development on the Jobswell Road/Monument Hill junction the Statement comments that the development would have no significant impact on the volume of traffic using the junction. The new traffic is said to be balanced against the removal of traffic by those who would have otherwise travelled elsewhere.

Additional information was requested in relation to traffic and amendments to the parking layout. An addendum to the Transport Assessment was submitted and the layout of the site amended. It is estimated that the development will attract 77 vehicle movements during the am peak hour and 68 movements during the pm peak hour. Further details of the possible in combination traffic generation, were the care home to re-open were included. The TS addendum states comments that the Tawelan Care Home has the capacity to accommodate 45 residents and based on TRICS trip rate data it is estimated that this would generate 5 to 6 peak hour vehicle movements only. Even assuming that all of this traffic passes through the signal controlled junction this traffic will have no material impact on its operation. WG requested a sensitivity test. To ensure that the sensitivity test is doubly robust it has been assumed that all of the new traffic attracted by the development travels through the signal controlled junction and that no traffic travels to/from the north along Jobs Well Road or east along Ash Grove. This scenario results in 62 to 70 additional peak hour movements through



the junction compared to the scenario where only 10% of the development's traffic is 'new'. The analysis provided concludes that under the predicted conditions the Jobs Well Road junction operates within capacity. Queues and delays are within normal levels and can be accommodated within the existing network without impacting upon the performance of the junction. Under the sensitivity test conditions the junction continues to operate within capacity.

Swept path analysis was provided to show vehicle turning movement in the car park area. Again looking at the potential in combination impacts were the care home to re-open the TS addendum states the proposed access is considered to be of suitable dimensions to accommodate the likely volume and type of traffic that will be generated by the proposed development. Whilst the care home that shares this access is currently unoccupied, were it to return to use it is considered that traffic movements associated with the care home and retail areas are compatible and that the proposed access arrangement poses no significant hazard in terms of conflict between traffic accessing the two areas. It is suggested that a delivery management plan form part of a planning condition if the application is approved.

### **Noise Impact Assessment**

This looked at the impacts of noise from the proposed plant required as part of the development. An amended assessment provided clarification on certain aspects, including the inclusion of the possible re-use of the care home. The residential property on Jobs Well Road is located between 24m and 26m from the plant area Job Wells Road. The assessment found that no mitigation was required. The residential care home adjacent to the site is located between 25 m and 30 m from the plant area facing Jobs Well Road

### **Air Quality Assessment**

The report looked at the construction phase of the development and the impact significance of the construction phase is not considered to be significant based on the implementation of the mitigation measures detailed in the assessment.

In relation of the operational phase of the development reference is made to traffic generation. The assessment states that it predicted no exceedances of the AQO road traffic exhaust emissions.

### **Drainage**

The proposal indicates that foul drainage would connect to the main sewer system. For surface water drainage soakaways are proposed for the main part of the site and an Aco Drain across the entrance to control run-off.

### **Retail Provision Assessment**

Although the size of the development falls below the national threshold where a retail impact assessment would be mandatory (2500sqm+) as a result of pre-application discussions a report looking at retail provision was submitted with the application. The assessment has used data from Carmarthenshire County Council's 'Retail Study Update', published in September 2015 and prepared by 'Nathaniel Lichfield and Partners.

Reference is made to various national policies/guidance such as Planning Policy Wales TAN4 and TAN23 and the general economic climate is also discussed.

The amount of existing residential areas and the allocated site at Carmarthen West is referred to when looking at the current level of provision. In relation to local provision they refer to Sycamore Stores which is located approximately 260m from the site. The assessment comments that due to *“its size, is unlikely to meet all ‘day-to-day’ retail needs of the locality, resulting in residents having to satisfy such needs by trips further afield”*. The Tesco store is highlighted however the assessment considers it being *“beyond what would be considered to be walking distance of most of the new and indeed existing residential units referred to above and so does not represent either a sustainable or self-reliant means of serving a localised retail need as defined by both national and local planning policy”*.

There is also a small shop associated a petrol station on Old St Clears Road which is approximately 325m away while the Spar in Johnstown is in the region of 850m from the site.

A sequential approach to site selection was then considered. The report states that *“a key factor has been what is considered to be ‘walking distance’, as any retail offer that was not within such distance from the residential area it is to serve would be accessed by motorised means and so would place it on par with larger and more comprehensive retail offers. As has been detailed previously, the application proposal has been designed to serve a localised need and not represent a form of use that could be found further away in a larger centre”*.

The search used a walking distance of 800m which is referenced in Manual for Street and considered site in terms of “suitability” and “availability”. Only 1 property was identified as being marketed at the time of the assessment. Due to the size (75sqm) it was not considered that the site was a suitable alternative. The assessment also refers to *“the site under similar national and local retail planning policy considerations as to that of the application site”*. The site was also only available to rent and required works to be undertaken to reach their requirement standard.

The impact on Carmarthen Town Centre was also looked at. The assessment comments that *“much of the existing residential population around the application site – including those relating to the University – lie at a location that is beyond walking distance from the existing Town Centre boundary and so it is fair to conclude are currently satisfying their day-to-day retail requirements elsewhere”*. The assessment concludes that there would not be any significant impact on the town centre.

## **PLANNING POLICY**

### **Policy SP1 Sustainable Places and Spaces**

This policy states that proposals for development will be supported where they reflect sustainable development and design subject to a number of criteria. These include distributing development to sustainable locations in accordance with the settlement framework, promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness

### **Policy SP9 Transportation.**

This policy states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system in a number of ways including the following, reducing the need to travel, particularly by private motor car; supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking; re-enforcing the function and role of settlements in accordance with the settlement framework; promoting the efficient use of the transport network;

#### **Policy GP1 Sustainability and High Quality Design.**

This states that development proposals will be permitted where they accord with a number of criteria including the following, it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing, utilises materials appropriate to the area within which it is located; it retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.

#### **Policy TR4 Cycling and Walking**

The policy states land required to facilitate the following improvements to the cycle network will be safeguarded. Proposed routes where known are shown on the proposals map. Developments should, where appropriate seek to incorporate, or where acceptable, facilitate links to the cycle, rights of way and bridleway network to ensure an integrated sustainable approach in respect of any site.

The notes of the policy go on to state cycling and walking have a significant role in achieving the delivery of sustainable transportation. This may be achieved through such measures as safe and convenient cycle routes and footpaths, new improved routes, utilising the design process for new developments to ensure that the needs of those walking and cycling are considered. The design and layout of new developments should have regard to the needs of walking and cycling including where possible, access to routes and networks. Regard will be had to the provisions of WG's Safe Routes in Communities Programme in relation to the consideration and development of local walking and cycling routes. The initiative focuses on developing safe walking and cycling routes within communities, linking to schools and other key facilities. Reference should be made to the Rights of Way Improvement Plan (RoWIP) for Carmarthenshire, and the interrelationship of the Plan area's footpaths, bridleways and bye-ways and linked leisure opportunities.

#### **Policy SP14 Protection and Enhancement of the Natural Environment**

This states development should reflect the need to protect, and wherever possible enhance the County's natural environment. All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, and outlines further details of specific sites/areas.

#### **Policy EP3 Sustainable Drainage**

This states that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

### **Policy TR3 Highways in Developments - Design Considerations**

This policy states that the design and layout of all development proposals will, where appropriate, be required to include an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; infrastructure and spaces allowing safe and easy access for those with mobility difficulties; required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced; provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

It goes on to state that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

### **SP17 Infrastructure**

The policy states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily provided. The LDP therefore supports the economic provision of infrastructure by allocating sites in identified settlements and in accordance with the Settlement Framework. Renewable energy generation and associated utility connections will be encouraged, in appropriate locations, subject to other Plan policies. Proposals for ancillary developments to the utilities infrastructure will be permitted where they have regard to their setting, incorporate landscaping and do not conflict with the areas built, historic, cultural and nature conservation and landscape qualities. (Policy SP13 and SP14) Planning Obligations relating to developer contributions towards necessary infrastructure improvements may be sought subject to policy GP3.

### **Policy GP2 Development Limits**

The policy states that development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. It goes on to say proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

### **Policy GP4 Infrastructure and New Development**

This states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved

infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by (or an appropriate contribution is provided by) the developer. Planning obligations and conditions will be used (where appropriate) to ensure that new or improved facilities are provided to serve the new development.

### **Policy RT1 Retail Hierarchy**

This states that proposals will be considered in accordance with the following retail hierarchy. Regard will be had to a settlement's position within the hierarchy when considering retail proposals (including new, change of use, or redevelopment). The notes for this policy state proposals will be expected to reflect the settlements' position with larger centres generally more likely to be able to support retail growth.

### **Policy RT8 Local Shops and Facilities**

This policy states that proposals which would result in the loss of a local shop or service outside of the identified Growth Areas and Service Centres will only be permitted where:

- a. There is another shop or service of a similar compatible use available for customers within:
  - (i) a convenient walking distance; or,
  - (ii) where applicable, the Sustainable Community.
- b. Its loss would not be detrimental to the social and economic fabric of the community.

In the absence of an alternative provision, proposals resulting in the loss of the local shop or service will only be permitted if it can be demonstrated to the Council's satisfaction that all reasonable attempts have been made to market the business for sale or let over a 12 month period and have failed.

It refers to location outside of growth areas or service areas however there is no equivalent policy for growth areas such as Carmarthen.

### **Policy SP8 Retail**

This policy states that proposals will be permitted where they maintain and enhance the existing retail provision within the County, and protect and promote the viability and vitality of the defined retail centres. Proposals for small local convenience shopping facilities in rural and urban areas where they accord with the settlement framework will be supported.

The notes for this policy comment that sustainable planning objectives in respect of shopping provision and town-centres generally focus on ensuring the availability of local outlets. These provide essential goods and services which are readily accessible to residents, preferably by a choice of means of transport, whilst also providing the opportunity to access a wide range of other, non-essential goods and services within reasonable distances.

This approach recognises the general pattern of provision in a traditional hierarchy of centres ranging from the small village shop, post office and public house serving essential local needs to the larger centres and providing a greater choice over a wider product range.

The larger centres are the location for related activities in the leisure and entertainment sphere including cinemas and restaurants etc and for commercial office uses including solicitors, accountants and estate agents etc.

In general, local provision represents goods and services required on a day-to-day basis (convenience items) and for which residents may make short journeys frequently, whilst the larger centres not only provide such facilities but also more specialised items (comparison goods) sought less frequently and for which shoppers are prepared to travel further. Traditionally shopping provision has evolved in a hierarchy of centres with overlapping catchments reflecting their size and importance.

As well as LDP policy there are a number of areas of national policy and guidance which would be relevant to the proposal.

Technical Advice Note 4 (Retail and Commercial Development) states that one justification for retail development is where it would *“address locally defined deficiencies and alleviates a lack of convenience provision in a disadvantaged area. This relates to the ability of all communities and disadvantaged areas in particular to access the goods and services which they need on a day to day basis. Current provision may not meet these requirements resulting in expensive, unnecessary trips further afield. Local provision to meet this need would therefore be a positive step for these communities. Localised deficiencies may also arise when new residential development has recently been constructed”* (6.7).

Other sections of consideration include:

*“8.2 - Retail applications of 2,500 sq metres or more gross floorspace that are proposed on the edge of or outside retail and commercial centres should be supported by a retail impact assessment provided by the developer. Local planning authorities should undertake impact assessments to evidence a site identified in a development plan to meet a need of 2,500 sq metres or more. Smaller retail planning applications or site allocations may also be assessed where local planning authorities believe it will have a significant impact on a retail and commercial centre. Requests for retail impact assessments by local planning authorities on smaller developments should be proportionate to potential impacts”.*

*“8.3 - In addition to the needs and sequential tests, planning applications for retail developments on the edge of or outside a retail or commercial centre that are not in accordance with the development plan should be assessed against a range of impact criteria, for example:*

- *Impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area.*
- *Impact of the proposal on centre vitality and viability, including local consumer choice and range and quality of the comparison and convenience retail offer.*
- *Consideration of the cumulative effects of the development proposal in relation to any outstanding planning permissions.*
- *The impact of the proposal on allocated sites outside centres being developed in accordance with the development plan.*

- *Impact of the proposal on in centre trade and turnover in the centre and other centres in the wider area, taking account of current and future consumer expenditure capacity in the catchment area.*
- *Assessment of the proportion of customers using the development traveling by different modes of transport.*
- *Impact on travel patterns over the catchment area.*
- *Any significant environmental impacts”.*

In relation to Planning Policy Wales (PPW) Chapter 10 relates to Retail and Commercial Development. The following is of relevance to this proposal:-

*“10.2.3 - Development plans should establish a hierarchy of retail and commercial centres using locally defined definitions; identify those which fulfil specialist functions and consider future roles and opportunities. This should be informed by evidence which underpins how each centre has been defined in the hierarchy”.*

*“10.2.8 - Individual small shops and businesses, such as convenience stores and public houses, which are not part of established retail and commercial centres, can play an important economic and social role, particularly in rural areas and in urban areas with limited local provision, and their loss can be damaging to a local community. The role of these businesses should be taken into account in preparing development plan policies and in development management decision making. The policies for diversification of the local economy set out in section 4.6 and Chapter 7 will also be an important consideration”.*

Chapter 7 of Planning Policy Wales applies and was revised to strengthen the emphasis given to economic considerations and also clarifies economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. It is clear from this statement that the Welsh Government regards tourism as major contributor to the Welsh economy.

It stresses the need for local planning authorities to give increasing weight to job creation, PPW states in Chapter 7:

*“7. 6.1 - Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:*

- *the numbers and types of jobs expected to be created or retained on the site;*
- *whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;*
- *a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.”*

Technical Advice Note 23 (Economic Development) is a further consideration.

*“Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority’s priorities” (2.1.2)*

The TAN requires local planning authorities to assess the economic benefit associated with allocating sites and determining planning applications for economic development. Where a planning authority is considering a site allocation or planning permission that could cause harm to social and environmental objectives the TAN proposes an approach where three questions that should be asked -

- Are there alternative sites for the proposal?
- How many direct jobs will result from the proposal?
- And would such a development make a special contribution to policy objectives?

in order to help balance the economic, social and environmental issues.

### **THIRD PARTY REPRESENTATIONS**

Turning to the representations received to date, the following issues have been raised.

#### **Highways Considerations**

A number of concerns/objections were raised including existing and proposed parking issues, insufficient parking on site, on street parking leading to highway safety concerns, highways safety issues from increased traffic on pedestrians and other road users, level of traffic generation, future traffic from West Carmarthen and highlighting existing traffic issues. In relation to traffic generation and issues with the capacity of the road network the junction between Jobswell Road and Old St Clears Road was of particular concern. Insufficient space for vehicles, particularly larger vehicles, to manoeuvre within the site was another concerns put forward.

Questions over previous housing applications in the area and warnings of the traffic generation this would cause has been raised. Each application must be assessed on its own merits. This report looks at the implications of this proposal in line with relevant planning policy and material considerations.

The Transport Assessment submitted with the application and the report refers to various statements/conclusions that it made. The site is located in a largely residential area. On that basis it is likely that a large number of the journeys/visits to the site would be on foot or would have otherwise been made to existing facilities further afield. As such the proposal could reduce the number or length of car journeys undertaken to satisfy the current need/demand. The Local Member (Cllr Speake) comments that he feels the nearby Tesco store is used by local residents and that the vast majority drive to that store. The site is located close to public transport links with bus stops near and the site can be accessed on foot easily with footways along the boundaries. There is also a new pedestrian access proposed from Jobswell Road at the western end of the site. An addendum to the TS was provided following comments/queries from the Head of Transport and Welsh Government



(Transport). These included revising the parking layout and providing further details of how vehicles would manoeuvre within the site. Assessments of the traffic movements and their impact in combination with the activities that could be associated with the former care home, were that to re-open, were also considered.

Reference has been made in a number of objections to existing problems such as parking and traffic generation. The proposal attempts to demonstrate that it would not lead to any significant impacts on highway safety, provides sufficient parking and it does not give rise to issues in terms of traffic generation and the capacity of the road network. Traffic considerations at the junction at the bottom of Jobswell Road are well documented and previous applications in the area have assessed the capacity of the traffic lights. The TS addendum also looked in greater detail at the possible impacts of the proposal on this junction. It is the impacts of the proposed development which needs to be considered. Existing issues are noted however the proposal cannot be used to rectify any existing issues, only the impacts it may cause.

Welsh Government (Transport) have responded following assessment of the additional information as well as that originally approved. They have no objection to the proposal and do not request the imposition of any conditions. WG responded stating they do not consider that the proposal would have a material impact on the A40 trunk road and have no objection or further comments to make.

The Head of Transport has responded also raising no objection to the proposal, recommending the imposition of conditions relating to several aspects including the scheme. These include the improved access, provision of parking spaces and visibility splays. Reference is also made to a travel plan and delivery management plan which can be covered by planning condition. Comments are also made in relation to several areas that have been raised as a concern by those that have commented on the proposal. Reference is made to the provision of additional details during the application in relation to traffic generation and the capacity of the junction. They also note the level of detail that has been used was over and above what had initially been requested due to the requirements of the Trunk Roads Agency. The following comments were received:

*"The TAA submitted presents the results of a more robust scenario than the local we had requested (as a means of addressing comments made by WG/SWTRA on the planning application) and considers all trips generated by the development to be primary trips. The development is forecast to generate 77 and 68 vehicle movements in the AM and PM peaks respectively. In reality only 10% of these trips would be primary trips (new trips) with the remainder already on the surrounding road network.*

*The junction capacity results presented in the TAA show that the development would have a negligible impact on the Job's Well Road signals and that the junction would continue to operate with a small amount of spare capacity during the AM and PM peak hours. "*

In relation to the access at the site they comment that *"the proposals seeks use of an improved/widened existing access with new segregated pedestrian footway, from the 20mph statutory speed limited Ash Grove road, that currently serves the care home"*. They also acknowledge that as the existing care home is not included in the application sufficient parking provision has been retained for this were it to re-open. They highlight that a new footway is proposed for pedestrian access off Jobswell Road. Parking provision is in general accordance with the relevant standards. The only exception being provision of a motorcycle space which has not been provided. It is felt that this can be covered by planning condition.

Concern had been raised over delivery vehicles using the site. The Head of Transport is satisfied that the layout is sufficient for a 10m long delivery vehicle to reverse within the site. A delivery management plan has been proposed and will be covered by planning condition to deal with the stores vehicles and any other vehicles delivery to the site.

#### Need, Justification for the Proposed Uses

Objections have referred to the lack of need or justification for the type of development proposed in this location. There was also a query/concern over who the proposed occupants may be. Comments were made over potential re-developments or relocation of existing stores elsewhere in and around Carmarthen also. The location within a residential area was queried and that this was not a suitable location for this type of commercial development.

Possible relocation of other existing stores have been raised however this is speculation and not a consideration of this application. Possible impacts on the vitality and viability of the town centre is a consideration when looking at retail/commercial developments outside of defined town centres. The proposal is for a relatively small scale retail/commercial development. The total floor area of the 3 units is 527sqm. This is below the threshold to require a Retail Impact Assessment as set out in TAN4. However the applicant was advised that a report looking at retail provision and other potential sites be submitted. A report was submitted with the application with details of it referred to above.

Comments have been received from the Forward Planning Manager. He has stated that *"Having considered the proposal there are no in principle policy objections. Whilst the scale of retail activity is noted there is no requirement for the submission of a Retail Impact Assessment, however a Retail Provision Assessment has been submitted which considers the national and local requirements in relation to retail proposals as well as setting out a sequential search as required through policy. Having considered the proposal it is noted that whilst it accords with policy provisions in relation to proposals for small local convenience provision, regard should continue to be had in relation to compatibility with the surrounding area"*.

He also queried if there were any details of proposed operating hours. This matter is addressed later in the discussions on impacts on amenity.

The location being within a residential area is one of the reasons put forward by the applicant to demonstrate that there is a need for such facilities in the area. The site is within a residential area meaning that there would be a high number of potential users within the area. The level of provision in the area is something that the applicant feels is lacking. They have identified a small store in area as the only nearby facility. Objectors have referred to other facilities such as the Spar in Johnstown and Johnstown Post Office. They have also referred to a number of existing A3 uses in the area. Reference is made by both objectors and the applicants to the allocated land at West Carmarthen. It is noted that within the West Carmarthen Development Brief includes an area where there is likely to be commercial district centre. This therefore acknowledges that where there are large areas of residential use there is often a need to provide some facilities in a local level. This would prevent the need for longer journeys for day to day convenience shopping and other needs. Similarly the Spar in Johnstown serves this kind of purpose for properties in that area. The sustainability of such facilities is an important consideration. Linked with the comments above on traffic generation the development has the potential to reduce traffic movements/distances.

Impact on existing businesses have been referred to however competition is not a consideration, unless looking at impacts on the Town Centre. The town centre of Carmarthen is some distance from the site and given the scale of the proposal it is not considered it would bring about any significant impacts on the viability or vitality of the town centre. The Tesco store referred to is not located in the Town Centre as delineated by the Carmarthenshire Local Development Plan and is approximately 900m from the site. The Town Centre is further from the site, approximately 1.3 km away.

National policy highlights that small shops and businesses, such as convenience stores, can play important economic and social roles in areas with limited local provision. Based on the scale of the proposed development and the general level of provision in the area it is not considered that the application warrants refusal on the basis of issues relating to need, justification or impact on the town centre.

The level of investment the development would bring about has been queried. The proposal is for two A1 units and one A3 unit. The application indicates that in terms of employment there would be 13 full time and 21 part time jobs created by the development. Regardless of the level of employment created it is felt that the proposal complies with the relevant planning policies. However as noted in the Planning Policy Section various planning policies and guidance highlight the importance of economic benefits that development can bring.

#### Impacts on Amenity

Several objectors have put forward concerns relating to possible impacts from the proposed development of the amenity of nearby residents. This was from increased litter, smells, pollution as well as general noise and disturbance. The Public Protection Division requested a Noise Impact Assessment and one was subsequently submitted looking at noise from the proposed plant area of the development. Following this being examined by the Public Protection Division they have not raised any objection to the proposal. They have recommended a number of conditions in order to protect amenity levels at nearby properties. These conditions make reference to the noise from the development not exceeding existing background levels. Further clarification was sought over the possible impact on the care home occupants if it were to re-open as part of the site, including the care home building is not included in this application. Additional information was provided in the amended noise assessment and this found no significant impacts and did not identify the need for any mitigation. The plant area is some 25-30m from the care home. While the car park area is closer than that, comments are made in relation to opening hours and the care home does have roads and residential areas adjacent to it where there would already be some element of disturbance.

There are further conditions limiting the opening hours of the units, with stricter controls over the proposed A3 unit. The application suggests an opening time of 6am for the A1 units. However it is felt that for the A1 units the limits are 7am-11pm opening with the A3 unit being 8am-10pm. Timing of deliveries to the units is also restricted with no deliveries permitted between 11pm and 7am. No deliveries are permitted on Sundays, Bank or Public Holidays. It is considered that with these restrictions noise/disturbance from the site would not be of a significance to warrant refusal of the application.

Possible disturbance and pollution from traffic could be another source of impact on amenity. Discussions above have referred to the potential for the development to reduce traffic movements/distances in the area rather than increase them. There will be vehicles using

the site and on-site parking is provided. The Head of Transport has not raised any concern with the parking provision and therefore it is suitable. Any parking and associated coming and going of vehicles would be mainly within the car park. Limiting opening hours also restricts the times that movement would occur.

Smells and litter were also referred to. The proposal is for 2 small retail units and one A3 use. A plant area is shown on the western end of the site for the larger unit which is proposed to be fenced off. This would reduce any smells as well as noise. No other extraction facilities are shown for the other units. If further units are required these would need a separate planning permission and would be assessed at that time. No objections have been raised from the Public Protection Division in relation smells or other matters. Existing powers under separate legislation would remain. A storage compound is included adjacent to the plant area and again is fenced off. Clarification was sought from the agent regarding bin storage for the other units and the agent has responded confirming that the bin storage for the smaller units would be internal. The agent has commented that the location was chosen for the larger unit was on the basis of the orientation of the proposed building's elevations, main access points and service arrangements. Alternative areas further to the south east of the current position and along the south eastern elevation of the building, but these were felt to be more prominent, taking into account site and adjoining land levels, as well as adjoining uses. In terms then of the storage requirements of the two smaller units, these will be met within the proposed units themselves, with no external storage facilities being required. While the positioning is not ideal the area will be screened by fencing.

Another area of possible disturbance not raised by objectors but a relevant consideration is in relation to lighting at the site. The proposal shows external lighting on the building itself and in the car park area. One of these lights at the western end of the car park is orientated west, facing across the road towards properties on the opposite side of Jobswell Road. This was subsequently amended so that the light has been positioned to face towards the store rather than towards Jobswell Road.

Overall while it is acknowledged that there may be some impacts from the development it is not considered that the proposal raises significant concerns in relation to impacts on amenity of a scale to warrant refusal.

## Design and Layout

Concerns were raised over the impact of the development on the environment and that it would lead to a loss of green space in a built up area. The application site forms of the external space associated with the former care home. It is not publically accessible space or recreation land but private land in conjunction with the building. Therefore while the visual appearance would obviously be alerted the application does not involve any loss of public space.

The visual impact of the proposal on the character of the area and the design of the proposal is a consideration. The existing access is to be improved and therefore there are no new vehicle access points. The land levels are currently sloping and there is a need to level off the site. The proposed works are located on the flatter area of the site with there being a steeper fall near the edge of the site. The car park is located between the proposed and existing buildings in the main and therefore will not be overall prominent. They are screened by boundary treatments and this is discussed further.

The site is located at a higher land level than the adjacent land to the south and west. Therefore the building would be in a visible location. The proposed building is single storey and therefore has a lower ridge line than the existing building on site. It also sits at lower land level than the existing building. As such the views of the building from the lower land levels would have the context of the existing building. The building itself is set in from the edge of the site with sloping grassed boundaries around it. The external materials are also in keeping with the overall character of the area. It is not felt that the design or the scale and massing of the building raises any significant concerns.

A 2.5 m fence is proposed around the refrigeration and store compound areas. These are located on the south western corner of the site and this area is prominent. Currently the boundary treatments are an open timber fence. The proposal however now includes the planting of a new hedgerow running from the access point to the east of the site, along the southern boundary and along the western edge of the site. The application was amended to extend the hedgerow along the whole of the western side of the site, including the land adjacent to the care home up to the northern edge of the former care home boundary. It is felt that this, along with the change in land levels would screen parts of the building and the fenced off ancillary areas.

The Public Protection Division have responded raising no objections to the proposal. They have requested conditions in relation to the opening times and deliveries as well as noise levels. It is felt that with these controls any impacts on amenity are not sufficient to warrant refusal of the application.

### Drainage

The proposal would create additional hard surfaces on what is currently a grassed area and involve changes to land levels at the site. Therefore how the development would deal with drainage is a consideration. The Land Drainage Section initially advised a soakaway test should be carried out as the location of the site is within a built up area. It was stated that an alternative option is available that would require works to be undertaken at the adjacent carriageway. They note the applicant has chosen to utilise an Aco Drain across the entrance to control run-off and find this solution acceptable. It appears that there are several options for how drainage could be dealt with at the development. Therefore it is felt that the imposition of a condition requiring full details of any drainage system is appropriate. These details would need to be submitted and agreed by the Local Planning Authority in conjunction with the Authority's Land Drainage Section.

The proposal is to connect the foul water to the public sewer. Welsh Water have not raised any objection to the proposed connection. Reference is made in their response to where the connection point should be and it is felt that this should be dealt with under any agreement the developer/applicant has with Welsh Water rather than a planning condition.

### Other Matters

Reference has been made in many objections to a possible new school on Pontcarreg farmland and the impacts this would have on traffic. There is no pending application for any such development. This may relate to possible developments within the West Carmarthen Development Brief site. If this is the possible future development referred to the Development Brief then the brief indicates that this area would be accessed off the new Carmarthen West link road. There is however no application for any school at this location at present.

The Planning Ecologist has not raised any concerns or requested further details/surveys. It is felt that the information provided to date in relation to landscape details are sufficient. The trees on the site are not subject to TPO's. Therefore consent would not be needed to remove them. The proposed hedgerow planting increases the landscape features with a large proportion of the boundary being subject to planting. NRW have also not raised any concerns.

Suggestions for alternative uses were put forward. However a decision needs to be made on the proposal that forms part of this application. Comments were made about the impact of the development on the possible future use of the existing building on site. The existing building is not included in the application site. Therefore the use of the building as a care home would remain and it could potentially re-open or be used for other uses in the same use class. The application has referred to there being a potential application for the conversion of the building to offices. There is no application to date and therefore the submission is based on the potential for the care home to be re-used. As indicated above in relation to noise were the care home to re-open it is not felt any mitigation is required to deal with the plant. It is felt that there sufficient controls via conditions to limit any impacts.

Questions over the proposed occupants of the proposed units and the exact nature of the A3 use have been received. The applicant has indicated that the intended occupant of larger A1 unit would be the Co-operative. However any permission would not be specific to any particular user and the occupant can change without the need for planning permission. In terms of the A3 use class again the permission would relate to the use class rather than any specific occupier.

Further information about what the proposals regarding the future use of the existing building. As stated previously the existing building is not included in the application site. While comments have been made over possible applications there is currently no application for at the existing building.

## **CONCLUSION**

In conclusion and having regard to prevailing planning policies and material considerations, it is considered the development complies does not give rise to any concerns to a degree which would warrant refusal of the application. It is therefore recommended for approval subject to the conditions below.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
  - 1:200 scale Access Arrangements (005A) received on 8 February 2018;

- 1:100 scale Proposed Layout Plan (CW488/20 Rev N) received on 8 February 2018;
  - 1:200 scale Site Layout Plan (CW/488/22K) received on 8 February 2018;
  - 1:100 scale Proposed Elevations and Site Sections (CW488/21 F) received on 13 December 2017;
  - Transport Assessment – Addendum received on 11 December 2017;
  - LED High Powered Commercial Floodlights received 11 December 2017
  - Noise Impact Assessment received on 6 December 2017;
  - 1:200 scale Proposed Landscaping Scheme (LANDSC/JE/0059R2) received 6 December 2017;
  - 1:500 scale Proposed Site Plan (CW488/23 REV H) received on 16 November 2017;
  - 1:1250 scale Site Location Plan (CW488/24 B) received 16 November 2017;
  - 1:25 scale Typical Surface Water Soakaway Plan received 25 July 2017;
  - Air Quality Assessment received on 21 June 2017;
  - 1:50 scale Proposed Refrigeration Area Details (CR3 REV 01) received on 21 June 2017;
  - Transport Assessment received 21 June 2017;
  - 1:500 scale Tree Survey (TS/JE/0023A) received 30 March 2017.
- 3 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including future maintenance and management of the scheme for that phase has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as agreed.
- 4 The rating level of the noise emitted from the proposed development shall not exceed the existing background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound. Where the background noise levels shall be expressed as LA90 1hr and the ambient noise levels shall be expressed at Laeq 1hr.
- 5 At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development exceeds the level specified in condition 1 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 4 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 4. The development shall then be undertaken in accordance with the approved details.
- 6 The A1 Class Use premises shall not open for business before 07:00 am or after 23:00 pm of any day
- 7 The A3 Class Use premises shall not open for business before 08:00 am or after 22:00 pm of any day

- 8 No deliveries shall be taken at or dispatched from the site between the hours of 23:00pm through to 07:00am and not at any time on Sundays, Bank or Public Holidays to protect the hours of sleep.
- 9 The demolition and construction works forming part of the development hereby approved shall be carried out in dust mitigation measures included in the Air Quality Assessment received on 21 June 2017.
- 10 Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building and boundary treatments shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11 The approved Detailed Landscape Design Scheme, as defined in the following submitted documents, 1:200 scale Proposed Landscaping Scheme (LANDSC/JE/0059R2) received 6 December 2017 shall be fully implemented in the first available planting and seeding seasons following the commencement of development.

Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.
- 12 Prior to its use by vehicular traffic, the amended access road shall be laid out and constructed in accordance with the details shown on the 1:200 scale Access Arrangements (005A) received on 8February 2018;
- 13 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 14 Prior to any use of the amended access by vehicular traffic, a visibility splay of 2.4 metres x 33 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of carriageway. In particular, there shall be no growth or obstruction to visibility over 0.6m in height above the adjacent carriageway crown within this splay area.
- 15 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 16 Notwithstanding the parking spaces and layout shown on the plans herewith approved prior to the beneficial use of any of the premises hereby approved a plan showing the provision of a further 1 no motorcycle parking space shall be submitted to and approved by the Local Planning Authority. The space shall be provided prior to the beneficial use of any of the premises. Thereafter, they shall all be retained in



perpetuity, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

- 17 Prior to the beneficial use of any part of the development hereby approved a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.
- 18 Prior to the beneficial use of any part of the development hereby approved a Delivery Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission
- 3 To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 4-8 To protect amenity levels of adjacent properties and in the interest of visual amenity.
- 9 To ensure that the amenity of local residents/businesses is adequately protected during demolition and construction.
- 10 In the interest of visual amenity.
- 11 To ensure that the development retains, incorporates, and makes provision for the appropriate management of, existing landscape and important local features which contribute to local qualities and distinctiveness.
- 12-18 In the interest of highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- It is considered that the proposed development complies with Policy SP1, SP9, SP8, SP17, SP14, RT1, RT8, TR3, EP3, GP1, TR4, GP2 and GP4 of the adopted Local Development Plan in that the due to the location of the site is located within development limits of Carmarthen. The site is located in a sustainable location in close proximity to public transport and accessible by sustainable methods of transport. The scale and design of the development is considered acceptable.

Details of landscape features are proposed which are considered sufficient which would improve the visual appearance of the boundary of the site. It is considered that the proposal does not give rise concerns in relation to highway safety or traffic generation with appropriate standards being provided for access and parking. Subject to conditions it is considered that appropriate surface water drainage can be achieved. The development provides appropriate connectivity and permeability to allow pedestrian access to and from the site. There are no significant concerns regarding the developments impact on ecology. Subject to conditions imposed it is not felt that there are any significant impacts on amenity of residents of existing properties of a scale to warrant refusal of the application. The proposal would not harm the viability or vitality of the town centre.

## NOTES

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>W/36812</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF NEW WELSH MEDIUM PRIMARY SCHOOL WITH NEW PLAYING FIELD AND MULTI-USE GAMES AREA, TO CATER FOR 210 PUPILS AND 30 NURSERY PLACES, WITH ASSOCIATED LANDSCAPING, ACCESS AND INFRASTRUCTURE WORKS AT GORSLAS RECREATION PARK, CEFNEITHIN ROAD, GORSLAS, LLANELLI, CARMS, SA14 7HY

<b>Applicant(s)</b>	CARMARTHENSHIRE COUNTY COUNCIL - HYWEL HARRIES, PROPERTY DESIGN & PROJECTS MANAGER, BLOCK 3, PARC MYRDDIN, RICHMOND TERRACE, CARMARTHEN, SA31 1HQ
<b>Agent</b>	ASBRI PLANNING LTD - MR RICHARD BOWEN, SUITE 4, J SHED, KINGS ROAD, SWANSEA, SA1 8PL
<b>Case Officer</b>	Richard Jones
<b>Ward</b>	Gorslas
<b>Date of validation</b>	13/02/2018

## CONSULTATIONS

**Head of Transport** – No response received to date.

**Welsh Government Trunk Roads** - There is a current Welsh Government walking and cycling scheme to the south of this site at the underpass to the Cross Hands roundabout. It is suggested that connections to the terminal points of this scheme where it meets the county network are investigated in order to review Active Travel options to this site.

**Head of Public Protection** – A number of service areas have responses from the Public Protection Division. These are summarised below:

**Air Quality** - It is not considered that the proposed development will have a significant adverse impact on air quality, as regulated under the Environment Act 1995 and in relation to the requirements of Local Air Quality Management.

However, latest Welsh Government Air Quality Management Policy requires us to look at ways of minimising air pollution from development. This particular application contains a Travel Plan as mitigation of the impact from the development, which includes delivery of sustainable travel options and engagement with initiatives such as Living Streets.

Therefore, in order to comply with latest Policy it is recommend that the Travel Plan be conditioned as part of any Planning Permission that may be granted.

Contaminated Land – Clarification has been sought

Public Health – No objection subject to a dust mitigation condition.

Noise - With regard to noise, comments have been raised regarding the noise assessment submitted. A response has been received from the applicant and is awaiting further response from CCC EHOs.

**Land Drainage Section** - The following has been requested: detailed drainage layout drawing, including detail on the location and volume of the attenuation and details of the connection into the 800mm culvert and hydro-brake chamber.

It has been highlighted that elements of the proposed drainage system lies outside of the school boundary on 3rd party land but the maintenance responsibility will fall to the school. It has been suggested that the applicant consider a connection to the culvert nearer to, or on school property.

**Gorslas Community Council** – The community council have provided the following response:

#### 1.0 Road Safety Review

- There is a genuine and understandable concern from residents of Church Road and the wider community in relation to the increase in the volume of traffic in the area at peak times arising out of the proposed siting and increase in pupil capacity of the new school.
- There are already significant traffic issues at Gorslas Square. New road developments will come on stream in the future which will make a contribution towards a reduction in the level of traffic at Gorslas Square spread over the course of the day. That reduction from current levels will be offset by an increase in overall traffic levels, as a result of the increase in the school capacity, and also the concentration of vehicle movements into a short period of time at the beginning and end of each school day.
- Both those in favour, as well as those opposed, to the proposed site for the new school have highlighted their concerns over traffic flow issues at Church Road and also at Gorslas Junction which will arise from the proposal. The concerns stem from their practical experience of living in the area and of using the road network over many years. It would therefore be prudent to take account of those concerns.

Proposal: That, should approval for the scheme be granted, a requirement be included that the County Council undertake a formal review and assessment of the traffic flow and the impact on Church Road, Gorslas Square and the road network in the vicinity of Gorslas Square following the occupation of the new school within a period of time specified by the Planning Authority.

#### 2.0 Active Travel Plans

- The benefits of providing children with safe walking or cycling routes to schools serves to help improve the health of the pupils. Having safe accessible walking and cycling routes to the new school would assist in promoting that aim.

Proposal: That it be a requirement of the granting of any planning permission that safe routes are provided for children to walk or cycle to school and that appropriate traffic calming measures be provided along those routes to reduce the risk to pedestrians from vehicles.

### 3.0 Gorslas Park – Drainage

- The site of the proposed school is at the top end of the park. There is a natural, and significant, fall in the level of the land from the top of the park to the bottom end of the park. The natural flow of water in the park therefore follows the same pattern.
- The area which the proposed school is to occupy is currently grassed and therefore acts as a sponge helping to retain and mitigate water flow.
- The proposal will see the loss of that grassed area and hence the capacity to retain water. It will be replaced with buildings and hard standing for the school play, sporting and parking areas. Those areas will not absorb or retain water which will lead to a great volume of water being discharged into drainage systems and the surrounds at a much quicker rate than at present.
- The concern is that, unless a high capacity drainage, or an attenuation system is provided, excess water from the school site will, during periods of heavy rain, flow into the children's play area and or properties on the Cefneithin Road boundary both of which are situated at a lower level than that of the proposed school site.
- There is a particular concern relating to the children's play area which has a range of equipment and associated safety surfaces to prevent injury to the very young children who make use of the facility. Excess water would transport and deposit soil from the top of the park on those surfaces increasing the possibility of children slipping and sustaining injury.

Proposal: That any approval be conditional on the provision of drainage and attenuation measures to prevent water entering or soil being deposited in the play area or the properties at the lower end of the park together.

### 4.0 MUGA Facility

- The proposal will see almost half of the area which is currently open and accessible to the public occupied by the new school.
- That area was provided for the public to use and enjoy without charge and throughout the year.
- The Community Council are of the view therefore that to help redress the loss of the public space arising out of the siting of the new school on that land access should be provided to the MUGA free of charge and at times outside of the normal school hours and school days.

Proposal: That, to redress the loss of the current public recreation area, any approval be conditional on the MUGA facility for the new school being accessible to the public outside of school hours and on non- school days.

## 5.0 Parking Spaces

- The consultation process highlighted the concern of the residents of Church Road over the increased danger and volume of traffic which would arise following the opening of the new school.
- The residents feel that the danger to pedestrians and vehicles would be reduced if provision could be made for within the scheme for a designated area to be provided within the proposed scheme on land adjacent to Church Road for limited off road parking by the residents.

Proposal: That it be a condition of the granting of any planning permission that provision be made within the scheme for a limited number of designated off road parking bays for the residents of Church Road.

## 6.0 Effect on Other Schools.

- The Community Council is aware that following the establishment of a new school with new facilities other schools in the area can experience a reduction in pupils seeking admission to those schools.
- The Community Council ask that the County Council be mindful of the need to maintain an equilibrium in the system and to ensure that adjoining schools are not disadvantaged.

**Local Members** - County Councillor D. Thomas and County Councillor A. V. Owen have made the following comments jointly:

Numerous representations received from residents over recent months concerning the current lack of capacity at Gorslas Primary School, and the plans for a new school within the village.

Despite everyone in the village wanting a new school, not everyone is in agreement that this is the best means of delivering such a proposal, or that Gorslas School is the best location.

The Community Council has summarised the comments received from respondents to the public consultation, which were submitted as part of the pre-application consultation process.

As well as the loss of green space, there were concerns locally (from both supporters and objectors to the Council's preferred site) with regards to the impact that the new school will have in terms of traffic congestion (particularly along Church Road and Cefneithin Road), and a lack of off street parking. It was felt that the initial plans for the provision of dedicated car parking spaces for drop off and pick up were insufficient for the scale of the new 210 capacity school, and that this would result in on-street parking along Church Road, Cefneithin Road and Brynlluan.

The final planning application, acknowledges that additional parking spaces are to be introduced at the top end of the site will help to ease the on-street parking concerns along Church Road. It is requested that consideration could be given to introducing staggered start and finish times for the school day for different year groups. This may assist in trying to minimise traffic flow and potential congestion at key points, particularly at the junction of Church Road and Cefneithin Road.

Request that a condition be imposed requiring the Highways Department to keep under review the traffic flow at Gorslas square following the opening of the school, and that if congestion issues are found to exist, for action to be taken to address them.

It is requested that an “ambitious” active travel plan developed, with a view to maximising the number of pupils who are able to walk or cycle to school. This should be aided with the introduction of traffic calming and safe crossing measures within the village, and we would ask that the Highways Department formally look to deliver such a scheme as part of the development.

It is considered imperative that the proposed Multi-use Games Area and the grassed playing field at the top of the site are open for community use, particularly during the evenings, weekends and school holiday periods. No booking mechanism should be in place, and young people within the village should have the right to turn up and play, without notice.

An assurances is sought that drainage to the South of the site will be sufficient to ensure that the playground area and neighbouring properties will not suffer any adverse drainage issues as a result of the school development.

It is important that the council engage fully with local residents and seek to address the concerns that exist. We trust that planning and highways officers will seek to do just that.

**Community Safety Liaison Officer** – Provided advice on the scheme to achieve Secured By Design standards to deliver the safest possible project for the children to learn and be safe, whilst at the safe time offering building security to a higher level.

**Natural Resources Wales (NRW)** – No objection subject to standard advisory notes

**Dyfed Archaeological Trust** – No response received to date.

**The Coal Authority** – Has no objection to the proposal.

**Dwr Cymru/Welsh Water** – No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details.

**Neighbours/Public** – The application has been advertised by way of Press and 5 Site Notices at and in the vicinity of the site. 6 Letters have been submitted and these are summarised below:

- Concern that the school is built in a public park;
- Suggestion that another location is found for the proposed school site;
- There is already a parking problem along church road which leads to congestion and hinders the free flow of two way traffic. The proposal will accentuate this impact;
- Noise impact from school upon a night shift worker leaving adjacent;
- Impact of a two storey property on a neighbouring property;

- Impact of dust upon the efficiency of the solar panels proposed;
- Unclear from the plans what will happen to the well-used circular public path which runs round the circumference of the existing park and play area;
- The circular path around the site should be preserved in its entirety or replaced by an equivalent arrangement to ensure the wellbeing of community;
- General highway safety concerns as a result of increased movements around the vicinity of the site, especially Church Road which has restricted highway width due to the presence of parked cars;
- Concern regarding the positioning of a site notice and that no public notice was displayed at the main park entrance;
- Detrimental effect on nature, loss of trees, grass, bushes and diverse wildlife including newts;
- Impact between school traffic and the church traffic when there is a funeral service;
- There are more suitable sites available for this development.

## RELEVANT PLANNING HISTORY

The following previous applications have been received on the application site:-

W/34194	Construction of multi-use games area Full planning permission	09 September 2016
W/13735	Proposed industrial/warehouse unit – Use Class B1 together with related external works Full planning permission	21 September 2006
D4/18399	Construction of 6 no. light industrial units County Permission under Regulation 4	08 August 1989
D4/10942	Construction of 7 no. factories Full planning permission	15 September 1983
D4/8171	Erection of advance factory unity Approved With Conditions	05 February 1981
D4/7303	Advance factory and warehouse units Approved With Conditions	01 August 1980

## APPRAISAL

**This is an application in which Carmarthenshire County Council have an interest either as applicant/agent, or in terms of land or property ownership.**

## THE SITE

The proposed site for Ysgol Gorslas is located within the community of Gorslas, and sits adjacent and north of Cefneithin Road, Church Road to the east, Gorslas Industrial estate to the north and to the west the Brynlluan residential estate.

The school site itself which occupies the northern half of the site and is square in shape, with the red line boundary of the development extending outwards in a north-west direction to include the land proposed for the internal access road. The site is split in levels, with the



northern portion elevated and sloping into the southern portion of the site. South of the red line boundary is a children's play area with associated car park close to the Cefneithin Road frontage, which will remain as existing. Pedestrian links currently run throughout the site, stretching from the car park, northwards towards the existing north west access point, and around the remaining circumference of the site.

The site is surrounded entirely by a mixture of residential development (to the south and west), industrial (to the north) and other services and facilities such as a church, community hall and shop (to the east and south east). Cefneithin Road and Church Road run parallel to the site to the east and south respectively.

Gated access to the site is provided to the north east of the site, via Church Road which links with the pedestrian pavements provided throughout the site. These are also accessible to the south of the site, and via Cefneithin Road. Other pedestrian links extend into the site via the Gorslas Industrial Estate to the north.

## **THE PROPOSAL**

Full planning permission is sought for the construction of new Welsh medium primary school with new playing field and Multi-Use Games Area, to cater for 210 pupils and 30 nursery places, with associated landscaping, access and infrastructure works.

The proposal intends to replace the existing primary school which is currently situated along the A476 (Cross Hands Road). This has limited off road parking and drop off facilities at present. Furthermore the existing school has fewer pupils than the proposed capacity of new facility, but the evidence submitted with the application indicates that pupils from within the catchment of Gorslas are attending schools in adjacent and peripheral community catchment areas.

The site will be accessed by vehicles via the proposed service road which will enter the site at the north east corner, and continue into the staff car park located to the east of the school building. The service road will also provide access to an additional car park to the north of the staff car park, which will also act as a pick-up/drop off facility. The existing community car park off Cefneithin Road will act as an additional parent pick-up/drop-off facility, where pupils can immediately link up with the existing footpaths leading into the proposed school building.

The school building will be a predominantly two storey in scale (approx 10.1m - 10.9m) and situated centrally within the northern portion of the site. It will have a maximum length of 66m and a width of 32m. The design comprises a primary mono pitch central structure which is linked to smaller projecting elements. The new school is to be designed and constructed to the Passivhaus Standard, together with achieving a BREEAM Excellent rating which will be in accordance with Welsh Government funding stipulations. Ancillary works also include associated infrastructure and external works together with a new drainage scheme, and further off site undertakings.

The applicant's supporting documentation recognise the current role of the site which is predominately within a public park. The park is where informal recreation takes place, people walk and children play. The scheme proposes to develop these assets further to provide a new community school as well as providing the community with improved facilities. The intention is that a Multi-Use Games Area (or court), an all-weather playing field will be provided and some of the school facilities themselves such as the hall are made available

to the community. An informal MUGA will also be provided which will also double up as the drop-off / pick up area at the northern half of the site. Further details of the facilities around the school are provided below.

The Multi-Use Games Area (or court) is an obligation of the external environment to be provided for primary schools, under guidelines set out for external space in Building Bulletin 99: Framework for Primary Schools: Space Standards and acknowledged by Welsh Government. The games court proposed will cater for sports such as netball, mini tennis and tennis, and support the Physical Education curriculum. The MUGA has been positioned to the south of the proposed primary school development area in close proximity to the existing community car park. The submission documents refer to free community use of this facility during weekends, school holidays and summer evenings on the provision that the body managing the site return the facility in the same condition as it was found on entry.

The playing field proposed is also an obligation of the external environment to be provided for primary schools, under guidelines set out for external space in Building Bulletin 99: Framework for Primary Schools: Space Standards and acknowledged by Welsh Government. The proposed field shall cater for sports such as football and rugby, and support the Physical Education curriculum. The playing field is positioned at the top of the proposed development site and set on an upper level with associated 2400mm high fencing to differentiate it from the main school play areas. The playing field shares immediate adjacency with the school drop-off / collection car park. The submission documents indicate that free community use will be supported during weekends, school holidays and summer evenings on the proviso that the body managing the site return the facility in the same condition as it was found on entry. It is proposed to lock the playing field from 19:00 onwards in conjunction with the management plan for operation of the community car park.

The new drop off & collection car park is provided to support parent and visitor parking needs. The facility provides designated off road allocations to alleviate parking along Church Road and offer defined parking in proximity to the main entrance. Outside of school hours the car park reverts to an informal games court with unrestricted use by the community. Vehicular access to the car park will be managed by the school and shall be available during school hours, with the exception of special community events, whereby access arrangements will be afforded access via prior permission from the School.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is within the settlement development limits of Gorslas as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

Policy GP1 Sustainability and High Quality Design states:-

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;

- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).

Policy EP1 requires that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. The reasoned justification to the policy draws specific reference to the conservation of the CBEEMS and the obligations of the Authority under the EU Habitats Directive to ensure no new developments adversely affect the site. In this regard, reference is made to the partnership approach to safeguarding and improving the environmental quality of the CBEEMS through the Memorandum of Understanding and Welsh Water's commitment to undertake improvements in waste water treatment capacities, treatment levels and discharge quality through their AMP programmes.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate that they satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated. Furthermore,

Policy EP6 states that in areas where land instability is known, proposals must be accompanied by a scoping report to ascertain the nature of the instability.

Policy TR2 requires that developments which have the potential for significant trip generation should be located in a manner consistent with the Plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Reference is also made to the need to meet required access and parking standards as well as promoting the interests of pedestrians, cyclists and public transport as part of proposals.

#### Policy REC1 Protection of Open Space

Provision will be made to protect and wherever possible enhance accessibility to open space. Proposals which result in the loss of existing open space will only be permitted where:

- a) It is demonstrated that there is provision of at least equivalent value available within the settlement, or where applicable the sustainable community, in an accessible location; and,
- b) It is demonstrated that the need for the facility has ceased; and,
- c) A deficiency of open space is not created through its loss; or,
- d) The re-development of a small part of the site would allow for the retention and improvement of the facility.

Policy EQ4 of the LDP requires that biodiversity and protected species are addressed within development.

#### Policy EQ4 Biodiversity

Proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that:

- a) The impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements;
- b) There are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

Policy SP16 specifically addresses new community facilities as follows:-

#### SP16 Community Facilities

The LDP will support the provision of new facilities, along with the protection and enhancement of existing facilities, in accordance with the settlement framework and based upon evidence of need. Proposals for new education and training related developments will be supported where it supports the settlement framework and accords with the policies of this Plan.

Any proposals that will result in the loss of an existing facility will be permitted where it can be clearly demonstrated that the facility is no longer viable and that a suitable alternative is accessible within the settlement or sustainable community (where applicable).

In order to mitigate the impacts of particular developments, and to facilitate the delivery of the Plan's strategic objectives, community contributions may be sought through planning obligations as and where appropriate.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 - November 2016 provides the following guidance.

Paragraph 4.11.1 states: "Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings."

Paragraph 4.11.2 states "Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design."

4.11.3 The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.

4.11.4 Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all

users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).

- 4.11.8 Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.
- 4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

Paragraph 2.2 of Technical Advice Note 12 Design (2014) states:

- 2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales - from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2014) states:

- 2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.
- 2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme should be presented in the design and access statement where one is required.

Paragraphs 3.1.1 and 3.1.2 of TAN 6 Planning for Sustainable Rural Communities (July 2010) states:

- 3.1.1 Strong rural economies are essential to support sustainable and vibrant rural communities. A strong rural economy can also help to promote social inclusion and provide the financial resources necessary to support local services and maintain attractive and diverse natural environments and landscapes.
- 3.1.2 Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment<sup>7</sup>. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional

rural industries and new enterprises, whilst minimising impacts on the local community and the environment.

### Design/Layout

The school incorporates a modern design which uses an acceptable pallet of materials and as a whole it is not considered detrimental to the character and appearance of the area. The front elevation of the school will be characterised in part by a taller two storey element at the corner of the building. This will give the frontage some legibility and direct users to the school entrance. The layout of the school and ancillary features such as MUGAs, parking and playing field have been logically laid out and respond to the site opportunities such as the existing pedestrian access points, existing parking and the park fronting Cefneithin Road.

### Residential Amenity

The development is surrounded by neighbouring land uses most notably the residential estate to the west at Brynlluan and those dwellings fronting Church Road to the east. The proposed school will face the rear boundaries of these respective residential streets and is considered to maintain sufficient separation distance so as not to impact adversely on the amenity of neighbouring occupiers. The nearest dwelling is that at No.37 Brynlluan which will have its rear garden boundary maintain a distance of 17m from the side elevation of the school. The school building will maintain 40m from rear elevation of No.37.

Noise impacts will be controlled through the commitment to close the sporting facilities early evening. As for noise during the school day, this will be at short periods during breaks and arriving/leaving times. It is expected that during these daytime hours there will be less sensitivity to noise experienced by the majority of surrounding residents. This however will not be a condition of the consent rather should be commitment arranged between the school and the community council.

### Highway Safety

The applicant has submitted a Travel Assessment which has concluded that the proposal complies with transport related planning policies, whilst there is a commitment to provide an Active Travel Plan as a condition of the development. The Head of Transport has not responded

### Ecology

With regard to the impact on ecological interest no adverse comments have been received from NRW or the Council's Planning Ecologist. Furthermore the submitted tree report and landscape proposals will add further habitat to the site. Given the site's location within the Caeau Mynydd Mawr SPG area, a contribution towards Marsh Fritillary Butterfly habitat/species conservation is required given the land take of the proposal.

### Foul and Surface Water Drainage

The submitted engineering drawings show an upgraded surface water system for the site which will include attenuation provision. The Council's Land Drainage section has requested further clarification on drainage details but it is considered that these can be dealt with as part of a surface water management condition to be agreed before the commencement of

development. As for foul water drainage no adverse comments have been submitted by Dwr Cymru/Welsh Water.

## Open Space/Recreation

Given that the proposal will be sited on an area of public open space a detailed assessment has been made against Policy REC1 (Protection of Open Space) by the Forward Planning Team as to whether to proposal accords with this policy.

In order to satisfy the requirements of Policy REC1 it will need to be demonstrated that it accords with criterion (a) and (b) and either (c) or (d). The applicant has provided further information and justification on this in their Planning, Design and Access Statement.

As noted in Carmarthenshire's Greenspace Assessment, Carmarthenshire's adopted standards for open space is 2.4ha per 1,000 population, which should comprise:

- 1.6 ha of outdoor sports facilities
- 0.8 ha of children's play areas, of which:
  - 0.6 ha of informal play areas
  - 0.2 ha of equipped play areas

The 2016 Mid-Year Population Estimates note the population for the Gorslas Electoral Ward as 4,359. In applying the above requirements to this population, the open space requirements would be as follows:

Outdoor Sports Facilities	6.97ha
Children's Play Area	3.49ha
- Informal Play Areas	2.62ha
- Equipped Play Areas	0.87ha

The Fields in Trust Guidance notes that when calculating the provision of open space it is only land which is routinely available to the public can be included in the calculation. From the information provided, it is understood that the Playing field and MUGA will both be available to the public in the summer evenings until 7pm, on the weekends and during school holidays; And, it is understood that the informal play space proposed at the north of the site will be available to the public at all times other than during school hours when it will be utilised as a car park. With this in mind, it considered that the proposed open space is therefore routinely available to the public. If the opening hours are not as noted here, we would be grateful if you could inform us so that we may consider the provision in light of the correct opening hours.

### Criterion (a)

#### Outdoor Sports Facilities

Taking first of all the requirement for outdoor sports facilities, the Planning Design and Access Statement refers to the information set out in the Greenspace Assessment to inform their assessment. The assessment makes reference to the other settlements within the Gorslas Ward namely Cefneithin and Drefach in terms of their provision. It notes that the provision in these two settlements alone amounts to 10.93 hectares which would meet this requirement but acknowledges that given that Drefach is located more than 1,200 metres distance away that it could not reasonably contribute towards this provision.



Under these particular circumstances, it would also be appropriate to take into consideration the new open space proposed to be provided on the site. The Greenspace Assessment identifies the provision in Gorslas as 2.24 hectares. Although some of this would be lost through the development of the school it should be acknowledged that there would still be a significant amount of provision which remains available. The planning application form notes that the development would result in the loss of 0.8ha of open space. It is considered that there would still be sufficient provision remaining in the ward. There are therefore no concerns relating to the quantity of outdoor sports facilities provision in the locality. However, this assessment should not solely consider the quantity of the provision but also its 'equivalent value' in terms of the type of provision. The PAC Report makes reference to the comments raised by Sports Wales relating to the provision of full sized pitches given that the existing one would be replaced by a junior pitch for under 10s. It is important that there remains opportunities for those over 10 to access a playing pitch. We note the response provided by the applicant in the PAC Report and would consider that this satisfactorily addresses the issue.

### Children's Play Area

The other element to be considered is the provision of Children's Play Areas, of which there is a requirement for 3.49ha made up of 2.62ha of informal play areas and 0.87ha of equipped play areas. It is noted that the Local Equipped Area of Play adjoining the site will remain unaffected by the proposal and therefore the provision of equipped play space does not require further assessment. However, there is also a need to consider the informal play areas. The Carmarthenshire Greenspace Assessment refers to the provision of equipped play areas in its assessment of children's play areas, however, the data on informal spaces is incomplete, and the full extent of the provision in the settlement is therefore uncalculated. It is acknowledged that play areas are not necessarily exclusively equipped or informal and that areas within a LEAP can be used informally. There are areas within the LEAP which adjoins the site which can be used informally within the LEAP. There is also an informal play area to be made available outside of school hours at the northern part of the site which is to be utilised as a car park during the school day.

Whilst the total quantity of informal play space in Gorslas and the adjoining areas is unknown it seems that the informal space to be lost through development are the areas which encompass the existing playing pitch. In terms of the use of this area it is considered likely that this can be accommodated by the proposed informal provision. A further consideration and a key feature of the existing informal space is that they are readily available to the public without prior arrangement. It is understood that the informal space proposed for the northern part of the site and the LEAP are both to be made readily available with unencumbered access to the public, with the exception of during school hours when the informal space will be used as a staff car park.

### Criterion (b)

There is no indication that the need for the facility has ceased, however, given that there will be a replacement facility provided it is considered that there is only a need to demonstrate that there is no need for the existing facility in its current format and that the need cannot be satisfactorily met by the replacement facility.

The proposed development makes provision for both outdoor sports facilities and for informal play areas. In light of the assessment and reasoning outlined above under Criterion

(a) it is considered that the new proposed open space would meet the current needs of the community.

#### Criterion (d)

It is acknowledged that there are currently drainage issues with the existing playing field which significantly affects its availability and usability. Through the dual use of these facilities – for education and for public open space – there is an opportunity to utilise improved shared facilities. It is understood that through the significant investment in the new development that it will result in better quality facilities. The proposal therefore satisfies criterion d of the Policy.

Given that there is a requirement to only satisfy criterion (c) or (d) of the policy and that criterion (d) has been satisfied, it is not considered necessary for the applicant to provide further justification under criterion (c).

#### Other Issues

Other issues which have been received relate to air quality and dust impact as raised by the Council's Environmental Health Service. These issues are not considered detrimental and can be controlled by planning condition.

Queries have been raised regarding the noise assessment that was carried out by the applicant and feedback is pending on this matter. Furthermore clarification is required on what works will be carried out to the existing car park fronting Cefneithin Road and whether this will require a detailed contamination assessment. A response from the applicant on this issue is pending and any decision is dependent on these matters being clarified.

### **THIRD PARTY REPRESENTATIONS**

Turning firstly to the concern that the school is proposed to be built on a public park. The representations received raise concerns that the school building and ancillary areas of land will result in the loss of open space and recreation land which currently provide a resource that facilitates well-being. The concerns are noted as is the land take of the school, however, footpaths within the site will be maintained albeit partially diverted in the north-west corner so that access and egress by foot into the park remains. Furthermore two MUGA facilities will be provided and the loss of informal open space is not considered detrimental or against policy, as space will be maintained at areas outside of the school boundary, whilst there will not be a shortfall in informal open space in the catchment area as assessed above in the main body of the report.

Secondly, the question has been asked about the alternative sites have been looked at. The submitted Planning, Design and Access Statement identifies a list of sites within the catchment that were assessed. These were narrowed down to the application site and a site adjacent to Cwmcerrig Farm. The current application site was considered the most favourable on account of the sustainable and central location, good pedestrian and transport linkages and the provision of existing access and parking opportunities within the site. On this basis a satisfactory assessment of alternatives has taken place.

The Highways and Transportation concerns are noted specifically the congestion, parking and access issues. At present no response has been received from the Head of Transport. Notwithstanding this, a Transport Assessment has been submitted and concludes that the

proposal is acceptable in terms of sustainable transport policy, whilst an Active Travel Plan (ATP) will be developed with the school as a means to reduce car related travel and promote more sustainable modes with the aim of improving road safety/health well-being. It is noted that local members and the community council have requested that certain provisions are inputted into the ATP. The commitments and targets of the ATP will need to be developed by the school before submission, therefore if the proposal is approved the recommendations suggested should be discussed in more detail with the school. The Active Travel Plan is proposed as a condition of the permission.

The community council have requested that in order to provide safer traffic conditions along Church Road, an area dedicated for parking of cars by occupiers of Church Road is provided within the school grounds as a means to remove cars currently parked on Church Road. This would be a difficult proposal to enforce as the spaces would be away from the landowners they would be dedicated to and the LPA would have little control of who parks in these spaces. Notwithstanding this, the response of the Head of Transport will add more clarity to whether this proposal is required from a highway safety perspective.

Although not a specific highway concern the community council have requested that a formal review and assessment of the traffic flow and the impact on Church Road, Gorslas Square and the road network in the vicinity of Gorslas Square following the occupation of the new school should be carried out by the Local Planning Authority. In order to justify this there would need to be evidence of highway impacts. Furthermore the acceptability of such a provision will need to be assessed by the Head of Transport whose response is still pending.

With regards to noise impact, the site is a public park and currently there is no restriction in terms of accessing it, therefore no noise mitigation is in place such as acoustic fencing or closing times for the park. The noise impact from a school will likely be during play times and at school start and leaving times. It is acknowledged that this will be audible and heard by neighbouring occupiers however no evidence has been presented that this noise will harm residential amenities to a significant level. The proposed playing field and MUGA facilities will have use restrictions relating to them which will limit their use to no later than 7pm, whilst acoustic fencing will be provided for the top playing field to mitigate noise impact. It is acknowledged that elsewhere in the representations received there is a request to ensure the facilities are available at all times. This is a matter that would need to be discussed with the school and arrangements made for security and a presence to monitor the use. As such it is not considered that the time associated with the use of the facilities can be controlled through planning conditions. Nevertheless parts of the park will remain open for use and access once the school is operational.

The impact of the school building upon the amenity of neighbours is discussed further in the main body of the report.

Dust from the construction works will be controlled by planning condition to mitigate its impact.

There has been concern expressed by one neighbouring occupier that a site notice posted along Church Road was not in a prominent position and that there was not a site notice at the main site frontage and entry into the park at Heol Cefneithin. Firstly the notice at Church Road was displayed in a prominent location at one of the entrance gates and secondly a site notice was posted at the southern perimeter adjacent to the entry to the park and the existing car park. In total five site notices were displayed at key location surrounding the site

in order for landowners and occupiers to be made aware of the proposal. A press notice was also displayed in the local newspaper.

With regard to the impact on nature, loss of trees, grass, bushes and diverse wildlife including newts, the Council's ecologist has raised no fundamental concerns or impacts to the species and habitats highlighted. Furthermore the tree survey indicates no net loss of trees at the site and as such no objection has been raised from the Landscape and Arboricultural officers of the Council. Given that the proposal lies within the Caeau Mynydd Mawr Supplementary Planning Guidance area, a financial contribution of £23,163.99 will be required towards the future protection/creation of Marsh Fritillary Butterfly species/habitat.

Assurances have been sought from the community council that the development will not result in unacceptable surface water drainage issues especially discharging onto the existing play area fronting Cefneithin Road. This has been requested given that the school will displace a grassed area at the top of the site. The Council's Land Drainage Section have been consulted and request that more details of the surface water scheme are submitted for assessment. It is considered that these will be requested as part of a surface water drainage condition for approval prior to the commencement of work. It is also noted from the submitted plans that new drainage measures including attenuation provision will be provided as part of the scheme.

Finally the community council has requested that if the proposal is approved the number of pupils attending is closely monitored to ensure that pupils from outside of the catchment are monitored to the extent that surrounding schools do not encounter a displacement in numbers following the opening of the school. Again this is not a matter that the planning system can control but one that would have to be monitored by the Council's Education Section.

## **CONCLUSION**

After careful consideration of the site and surrounding environs, on balance, it is considered that the existing school is in poor condition and the replacement is required to comply with modern educational standards. The replacement of the school is part of the County's Modernising Education Programme which is being backed by the Welsh Government. Policy SP16 of the LDP specifically supports such developments.

The proposal is for a high quality contemporary designed school to replace the existing older facility. The design is in accordance with Passivehaus standards which will ensure high efficiency and low future running costs, thus ensuring a sustainable form of development. It is sited in a sustainable location close to public transport routes and centrally located within the school catchment so as to encourage sustainable forms of transport. It will maintain an adequate area of informal open space within the community catchment whilst introducing higher standard play and sport facilities that will be available to school pupils and the community alike.

The proposed redevelopment is within settlement development limits of Gorslas and is not likely to have an adverse impact on residential occupiers, ecological interests, surface water flooding, landscape and the character and appearance of the area therefore is considered to be in accordance with the relevant policies relating to the aforementioned material planning issues.

In view of the above, it is recommended that the application be approved subject to favourable responses from the Council's Public Protection on contaminated land and noise and from the Council's Highway Section. Approval is recommended subject to the following conditions and payment of a financial contribution towards Butterfly Conservation within the Caeau Mynydd Mawr SPG area.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - Proposed Elevations 1:100 @ A1 [030 – Rev 4];
  - Proposed Floor Plans 1:100 [020-Rev 4];
  - Proposed Site Plan 1:500 @ A1 [005 – Rev 1];
  - Existing Plan with Demolitions 1:200 @ A1 [003 – Rev 2];
  - Existing Site Plan 1:500 @ A1 [002 – Rev 2];
  - Location Plan 1:1250 @ A1 [0001 – Rev 5];
  - Proposed Soft Landscape Plan 1:500 @ A1 [071 – Rev 9];
  - Proposed Site Plan 1:200 @ A0 [070 – Rev 7];
  - Typical Sections 1:100 @ A1 [037-01];
  - Proposed Roof Plan 1:100 @ A1 [035- Rev 3];
  - Ground Investigation and Mining Risk Assessment – November 2017;
  - Part Engineering Site Plan [Proposed Levels] 1:250 @ A1 [04 – Rev 2];
  - Engineering Site Plan 1:500 @ A1 [03-Rev2];
  - 3D View from Entrance @ A1 [090];
  - Planting- Driveway and Playing Field 1:200 @ A1 [076-Rev5];
  - Planting – Play Area and Learning Area 1:200 @ A1 [075 Rev5];
  - Planting – Main Entrance and Car Park 1:200 @ A1 [074-Rev5];
  - Sections Trough the Site 1:200 @ A1 [072 Rev2];
  - Determination of Equivalent CBR using TRL Dynamic Cone Penetrometer DCP;
  - Quantum Geotechnical;
  - Planning, Design and Access Statement – January 2018;
  - Noise Assessment – January 2018;
  - Landscape Maintenance and Management Report – November 2017;
  - Tree Protection Plan @A3;
  - Preliminary Ecological Appraisal – February 2017;
  - Arboricultural Impact Assessment and Method Statement – January 2018;
  - Proposed Drainage Strategy Engineering Site Plan 1:500 @ A1 [Rev 3];
  - Swept Path Analysis Site Plan [Refuse Truck] 1:500@ A1 [02];
  - Swept Path Analysis [Fire Appliance] 1:500 @ A1 [Rev 2];
  - Part Engineering Site Plan [Proposed Levels] 1:250 @ A1 [Rev 5- 02]

received 27th January 2018;

- External Lighting and CCTV Installation – Car Parks and Part of Paths 1:250 @ A1 [BC170443/E01];
- Lighting Design – January 2018;
- Drainage Strategy Report;
- Transport Assessment and Framework Travel Plan – January 2018;
- External Lighting and CCTV Installation – School and Entrance Road 1:250 @ A1 [BC170434/E02];
- External Lighting and CCTV Installation – Car Park Calculation Results 1:250 @ A1 [BC1734/E03];
- Construction Management Plan – January 2018;
- Pre-Application Consultation Report – January 2018;

received 30th January 2018;

- Ground Investigation Report – Proposed Development Layout 1:1000 @ A3;
- Ground Investigation Report – Supplementary ESP (March 17);
- Ground Investigation Report – General Notes;
- Ground Investigation Report – Photos x3;
- Ground Investigation Report – Site Location Plan 1:25000 @ A4;
- Ground Investigation Report – Ground Gas Addendum Report;
- Ground Investigation Report – Exploratory Hole Location Plan @ A3;
- Ground Investigation Report – General Construction Advice;
- Geoenvironmental and Geotechnical Assessment,

received 2nd February 2018.

- 3 Prior to the commencement of the development, a scheme for the control of noise and dust shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.
- 4 Prior to the operation of the premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing to the Local Planning Authority. This shall then be installed prior to the first use of the premises and retained and operated in compliance with the approved scheme.
- 5 During the construction phases, no works or demolition or construction shall take place other than within the hours of 07:00 – 19:00 Monday – Friday, Saturday 07:30 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 6 No deliveries shall be taken at or dispatched from the site between the hours of 23:00 through to 07:00 and not at any time on Sundays, Bank or Public Holidays to protect the hours of sleep.
- 7 Works shall take place in accordance with the submitted construction management Plan statement dated January 2018. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

- 8 No development approved by this permission shall be commenced until a scheme for the provision of comprehensive surface water drainage works has been submitted to and approved by the Local Planning Authority. This shall be based on both the requirements of the site and an evaluation of the risk of flooding to the surrounding road network, and include a timetable for the provision of such works. The approved scheme shall be fully implemented in the timetable then agreed.
- 9 The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate and prevent the spread of invasive species has been submitted to and approved in writing by the local planning authority'. Furthermore works should be implemented in accordance with the approved scheme.
- 10 Prior to the beneficial occupation of the development hereby approved a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development shall be submitted to and agreed in writing with the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details and at a timescale to be approved in writing by the Local Planning Authority.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt as to the extent of this permission
- 3-7 In the interests of public protection.
- 8 In the interest of the water environment and to prevent flooding of the site and surrounding area.
- 9 To eradicate and prevent the spread of invasive species.
- 10 In the interests of highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development complies with Policy SP1, GP1, SP16, REC1, EQ4, EQ7 and EP3 of the LDP in that it is the redevelopment of an existing school site within the settlement development limits of Gorslas which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties. It will not result in the significant loss of informal and formal open space within the community catchment area. It will ensure no significant harm upon the surface water drainage regime on site and in the area. It will have no adverse harm on habitats or species of ecological interest.

## NOTE(S)

- 1 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 3 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.



**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>W/36584</b>
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<b>Application Type</b>	Variation of Planning Condition(s)
<b>Proposal &amp; Location</b>	VARIATION OF CONDITION 4 ON W/34406 (ACOUSTIC FENCING) AT GWASTOD ABBOT, NEW INN, PENCADER, SA39 9AZ

<b>Applicant(s)</b>	J DAVIES & SON, GWASTOD ABBOT, NEW INN, PENCADER, SA39 9AZ
<b>Agent</b>	HAROLD METCALFE PARTNERSHIP, 32 SPILMAN STREET, CARMARTHEN, CARMS, SA31 1LQ,
<b>Case Officer</b>	Helen Rice
<b>Ward</b>	Llanfihangel-ar-arth
<b>Date of validation</b>	19/12/2017

## CONSULTATIONS

**Local Member** – Cllr Linda Evans supports the application and states that the submitted noise statement by the applicant confirms that noise levels would not exceed the stated level.

**Llanfihangel-ar-Arth Community Council** – No comments received

Head of Public Protection, Social Care and Housing – objects to the application on grounds that the submitted Noise Assessment Report predicts the level of noise from the development to be 5db above background levels and thus is on the limit of the noise condition imposed on the previous planning permission. However the report has limitations and therefore the true rating level is very likely to be higher than that identified by the report. The site is in very close proximity to residential receptors and the submitted Noise Assessment Report itself recognises the requirement for an acoustic fence to be erected in the interests of residential amenity. This recommendation is supported and thus the application to remove the acoustic properties of the fence should not be approved in the interests of residential amenity.

**Neighbours/Public** – The application was the subject of notification by way of a site notice. No formal representations have been received on the application.

## INTRODUCTION

This application is being reported to the Planning Committee following a call-in request by Cllr Linda Evans and seeks to vary a planning condition to remove the requirement for an acoustic fence between the application site and neighbouring properties as imposed by a Condition applied to the original retrospective planning permission for the change of use of agricultural land to the storage of tractors, machinery and diggers in association with the adjoining established business known as J Davies and Sons.

## **THE SITE**

The application site is partly located within the defined settlement of New Inn near Pencader and is situated to the south west of the existing established J Davies & Sons machinery sales and repairs business. The 0.39ha elongated site has a frontage onto the A485 highway set behind a stone wall with the north eastern boundary adjoining the existing yard area and other buildings associated with the established business and an agricultural field beyond. The south western boundary follows the existing field boundary hedge that adjoins the boundaries of several other properties including other businesses and two residential properties known as Bronallt and Delville. The site gently slopes down away from its boundary with the highway.

## **RELEVANT PLANNING HISTORY**

The application site has been the subject of previous applications as follows:

- W/34406 - Retrospective application for change of use of agricultural land to extension to existing adjoining machinery business for the parking of machinery and to include the closure of the existing access gate from the main road, the provision of CCTV camera, the reinstatement of part of the land that had been reduced in level and provision of fencing - Full Granted 17/10/2016 (Delegated)

- W/31674 - Change of use of agricultural land to extension to existing adjoining machinery business for the parking of machinery, tractors and diggers, to include the closure of the existing access gate from the main road and CCTV camera - Full Refusal 12/04/2016 (Planning Committee).

The initial application W/31674 was refused by Planning Committee on grounds that the development had a detrimental impact upon the amenity of neighbouring residents, particularly given that the yard area already created effectively “wrapped around” the neighbouring property at Delville and adjoined the side boundary of the rear garden of Bronallt.

Following this refusal it was negotiated with the applicant that provided that the area to the rear of Delville was restored to its previous state as a vacant parcel of land and an acoustic fence installed along this boundary that it would be likely that planning permission would be granted.

As a consequence application W/34406 was submitted which sought retrospective permission for the created yard as well as permission for a further extension, but with removal of the yard area from the rear of Delville and restoration of the land and the subsequent erection of a 2m high acoustic fence. These requirements formed part of the application and were included on the submitted plans. Given the compromise reached, planning permission was granted subject to the imposition of conditions to deliver the restoration of the land to the rear of Delville and erection of an acoustic fence as detailed on the approved plans.

Officers confirm that machinery has been removed from the area to the rear of Delville and the land has been largely restored and seeded, however, no fence has been erected and thus the unacceptable impact of the development on residential amenity remains.

## **THE PROPOSAL**

The proposals seeks a variation to the retrospective planning permission (W/34406) to remove the requirement for a 2m high acoustic fence between the site and neighbouring residential properties and its replacement with a 1.8m high close boarded fence.

The approved plans for the retrospective planning permission specified the provision of a 2m high acoustic fence along the site's boundary with the neighbouring property known as Delville, along with a fence between the restored land to the rear of Delville and the yard area.

To ensure delivery of this element, and specifically in the interests of residential amenity, a condition was imposed requiring its erection within a specified timescales. The condition stated:

- 4 Upon the restoration of the land referred to in Condition 3 above, a 2m high acoustic fence shall be erected along the entire length of the site's boundary with Delville and leading down along the boundary of the reinstated land as depicted on the 1:500 scale Block Plan (C/4440/2). Details of the proposed acoustic fence shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Members are advised that in March 2017 the applicant submitted details of the intended acoustic fence for consideration prior to its erection. These details were considered acceptable. However, the applicant has since decided to submit this application to remove the requirement for the fence to have acoustic properties and its replacement with a 1.8m high close boarded fence. The submission is largely based on a Noise Assessment Report which sets out that the expected noise emanating from the development would not be more than 5dBA above the current background levels and that this would unlikely result in complaints. However, the report itself specifies "an acoustic fence would still be recommended to separate the yard from the existing dwelling as this would provide further resistance to sound and would reduce the noise levels at the dwelling closer to the current background noise levels". Officers have contacted the applicant via his agent on numerous occasions to ascertain whether any further information is to be submitted in support of the application however no such information has been forthcoming.

This application was submitted as a result of enforcement investigations following the receipt of complaints regarding the non-compliance with the conditions imposed on the retrospective planning permission (W/34406).

## **PLANNING POLICY**

### **Local Development Plan**

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP') and other relevant Welsh Government Guidance. The south eastern portion of the site lies within the settlement of

New Inn as defined by the LDP, with the remaining land area located outside albeit adjoining the settlement boundary and defined existing employment areas and therefore the following policies are of key relevance to the proposal:

Policy GP1 Sustainability and High Quality Design is a generic policy that seeks to achieve the highest quality developments that respect the character and appearance of the area and the amenity of adjacent land uses, properties, residents or the community amongst other specific sustainability and design criteria.

Policy EMP3 Employment – Extensions and Intensification enables the extension of existing employment enterprises provided that the extension does not give rise to adverse amenity issues or is incompatible with neighbouring uses, is of an appropriate and compatible scale and form and would not cause environmental damage or prejudice other redevelopment proposals.

### **National Planning Policy**

Planning Policy Wales (PPW) (9th Edition) November 2016 provides the national policy guidance document for Wales and covers all aspects of development and is supplemented by a suite of Technical Advice Documents. Of particular relevance to this application is the emphasis given in PPW for enabling sustainable economic development across Wales, although this should not be at the expense of other environmental considerations and amenity issues. In particular, paragraph 7.6.3 states 'Employment and residential uses can be compatible and local planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not unduly compromised'.

### **APPRAISAL**

The application site has been the subject of protracted applications with regards the partly retrospective development. An initial application was refused on grounds of its impact upon residential amenity. This reason for refusal was overcome following negotiations with the applicant which resulted in the approval of an application subject to removal of the storage yard area immediately to the rear of the Delville and the erection of an acoustic fence. It was felt that such a development would be acceptable and that the impact upon residential amenity could be mitigated through the provision of the acoustic fence as detailed on the submitted plans.

This application to remove the requirement for the fence to have acoustic properties is based upon the submitted Noise Assessment Report which identifies that the noise emanating from the site would not exceed 5dBA above existing background levels. A review of the report by the Council's Public Protection Department concludes that the report has its limitations in that it does not consider the impulsivity and intermittency criteria than can change the results of such assessment and thus the true rating level is very likely to be higher than that identified by the report when strictly applying the British Standard requirements. Nevertheless, the report itself recommends the installation of an acoustic fence to protect the amenities of neighbouring residents.

The applicant has failed to provide any further information to support the application, and as such, Officers remain of the opinion that the development as approved under W/34406 necessitates the erection of an acoustic fence in the location set out on the approved plans

for application W/34406. Failure to provide the acoustic fence would have a detrimental impact upon the amenity of neighbouring residents.

On this basis, this application to vary condition 4 of planning permission W/34406 is recommended for refusal.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

1. The proposal is contrary to Policy GP1 Sustainability and High Quality Design of the Carmarthenshire Local Development Plan:-

#### **Policy GP1 Sustainability and High Quality Design**

**Development proposals will be permitted where they accord with the following:**

- a. It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b. It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c. Utilises materials appropriate to the area within which it is located;
- d. It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e. Includes an integrated mixture of uses appropriate to the scale of the development;
- f. It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g. It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well lit environments and areas of public movement);
- h. An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i. It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j. It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k. It has regard to the generation, treatment and disposal of waste.
- l. It has regard for the safe, effective and efficient use of the transportation network;
- m. It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;

- n. **It includes, where applicable, provision for the appropriate management and eradication of invasive species.**

**Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).**

- in that the originally approved acoustic fence was required to mitigate against the unacceptable noise impacts that would emanate from the development to the detriment of neighbouring residential amenity. This application fails to robustly demonstrate that the noise impacts of the development can be mitigated without the need for an acoustic fence. The submitted information in support of the application continues to recommend the need for an acoustic fence and based upon an assessment of this report, it remains to be the case that mitigation measures, in the form of an acoustic fence, is required to alleviate the unacceptable impacts of the development on residential amenity.

2. The proposal is contrary to Policy EMP3 'Employment – Extensions and Intensification' of the Carmarthenshire Local Development Plan:-

**Proposals for extensions and/or intensification of existing employment enterprises will be permitted provided that:**

- a) **The development proposals are not likely to cause environmental damage or prejudice other redevelopment proposals;**
- b) **The proposal does not extend and/or intensify a use or activity that might result in adverse amenity issues, or may not be compatible, with neighbouring uses;**
- c) **The development proposals are of an appropriate scale and form compatible with its location;**

**Proposals for the expansion of existing rural enterprises will be supported subject to the above provisions and the policies and proposals of this Plan.**

- in that the originally approved acoustic fence was required to mitigate against the unacceptable noise impacts that would emanate from the development to the detriment of neighbouring residential amenity. This application fails to robustly demonstrate that the noise impacts of the development can be mitigated without the need for an acoustic fence. The submitted information in support of the application continues to recommend the need for an acoustic fence and based upon an assessment of this report, it remains to be the case that mitigation measures, in the form of an acoustic fence, is required to alleviate the unacceptable impacts of the development on residential amenity.

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Tuesday, 23 January 2018

**PRESENT:** Councillor A. Lenny (Chair)

**Councillors:**

S.M. Allen, J.M. Charles, S.A. Curry, I.W. Davies, J.A. Davies, P.M. Edwards, W.T. Evans, S.J.G. Gilasbey, J.K. Howell, J.D. James, C. Jones, D. Jones, H.I. Jones, M.J.A. Lewis, K. Lloyd, K. Madge and B.D.J. Phillips

**Also in attendance:**

Councillor J. Tremlett who addressed the Committee in respect of planning application W/35450

Councillor L. D. Evans in respect of planning application W/35041

**The following Officers were in attendance:**

K. James, Assistant Engineer Planning Liaison  
S. Murphy, Senior Solicitor  
G. Noakes, Senior Development Management Officer [East]  
L. Quelch, Head of Planning  
D. Roberts, Development Management Officer  
K. Thomas, Democratic Services Officer

**Council Chamber - County Hall - 1.30 - 3.20 pm**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G.B. Thomas and J.E. Williams.

**2. DECLARATIONS OF PERSONAL INTERESTS**

There were no declarations of personal interest.

**3. W/35450 - PROPOSED RESIDENTIAL DEVELOPMENT INCLUDING 42 NO. DWELLINGS AT LAND ADJACENT TO LAUGHARNE PRIMARY SCHOOL, LAUGHARNE, SA33 4SQ**

The Senior Development Management Officer referred to the private site visit undertaken by the Committee earlier that day (Minute 4.3 of the Planning Committee held on the 16<sup>th</sup> November, 2017 refers) the purpose of which had been to enable the Committee to view the concerns raised over the increased traffic which would be generated by the proposed development for the safety of pedestrians, in particular, children walking to and from school. He thereupon referred, with the aid of powerpoint slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the development, a summary of consultation responses received and information on the local and national policies which were relevant to the assessment of the application.

Particular reference was made to the planning history of the site in relation to the grant of planning application W/09082 in 2008, subject to a Section 106

Agreement for the provision of community benefits, the lapse of that consent in 2013, and the Welsh Office Inspector's decision to include the site within her binding report on the LDP, published on the 16<sup>th</sup> October, 2014 without any specific requirement or conditions that the community benefits agreed under W/09082 were to be applied to any new planning consent. As a result of that decision, the Committee was advised that the application would need to be considered under current statutory planning legislation, including the Community Infrastructure Levy (CIL) Regulations 201, that placed limitations on the use of Section 106 Planning Obligations, and therefore the previously agreed community benefits could not be applied to the new application. However, if the Committee was to grant the application, the applicant would still be required to enter into a Section 106 Agreement to include a £26k contribution towards primary and secondary school education within the site's catchment, highway improvements to include the provision of a footpath alongside the site's frontage and further along into the village of Broadway.

In summary, the Committee was advised that the Head of Planning was recommending approval of the application for the reasons detailed within her written report and subject to the applicant entering into a Section 106 Agreement.

Representations were received on the previously agreed community benefits to be provided as part of planning application W/09082 and specifically, the land ownership transfer issues. It was argued those benefits should be honoured by the developer and incorporated within any new planning consent granted on the land. Additional representations were made on the separate accesses for the private and affordable housing elements of the proposed development and for those elements to be linked to avoid segregation.

The Developer's agent, in response to the representations, advised that the application had been subject to extensive consultation with no objections having been received from statutory consultees, subject to appropriate conditions, and also complied with local and national planning policies. With regard to the previous consent, and the agreed Section 106, those had lapsed, and any new consent, and Section 106, would have to be considered in line with current legislation, be relevant, necessary, reasonable and in compliance with the CIL Regulations. In relation to the siting of the Affordable Housing element, that had been undertaken in consultation with a proposed social housing provider to site the development adjacent to its Cwrt Wooford estate for management reasons. He requested the Committee to approve the application, as recommended by the Head of Planning, on the basis it complied with existing planning policies.

The Senior Solicitor referred to the previous planning consent and confirmed that upon its lapse 2013, the Section 106 Agreement had also lapsed. As a result, any new application for the site's development would have to be considered in light of existing national and local planning policies and the Welsh Government Inspector's comments report.

The Head of Planning and the Senior Development Management Officer responded to the issues raised.

Having regard to the representations received views were expressed by the Committee that consideration of the application should be deferred to enable the Head of planning to have further discussions with the applicant on the level of

community benefits to be provided, having regard to policy SP16 of the UDP, and also on the concerns raised on the separate accesses to the site and the lack of a link between the two elements being detrimental to residents, in particular for children having to walk along the public highway to Laugharne school.

**RESOLVED that consideration of planning application W/35450 be deferred to enable the Head of Planning to have further discussions with the applicant on the issues raised above.**

**4. W/35041 - AFFORDABLE DWELLING AT LAND ADJACENT, TALIAIRIS, MAESYCRUGIAU, PENCADER, SA39 9DH**

The Senior Development Management Officer referred to the private site visit undertaken by the Committee earlier that day (Minute 5.2 of the Planning Committee held on the 14<sup>th</sup> December, 2017 refers) the purpose of which had been to enable the Committee to view the site in light of a representation received in support of the application on the grounds the applicant met the local needs eligibility criteria, had received and taken on board pre-planning advice, and no objections had been received. He thereupon referred, with the aid of powerpoint slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the development, a summary of consultation responses received and information on the local and national policies which were relevant to the assessment of the application.

The Committee was advised that the Head of Planning was recommending refusal of the application for the reasons detailed within her written report. However, it was advised that should it be minded to grant consent contrary to that recommendation, that consent should be conditional upon the applicant undertaking a Noise Impact Assessment, as required by the Head of Public Protection and entering into a Section 106 Agreement on the basis of local need criteria.

**RESOLVED that planning application W/35041 be granted, contrary to the recommendation of the Head of Planning, subject to the production of a satisfactory Noise Impact Assessment and to the applicant entering into a section 106 Agreement on local need criteria.**

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**CHAIR**

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**DATE**

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## PLANNING COMMITTEE

Tuesday, 20 February 2018

**PRESENT:** Councillor A. Lenny (Chair)

**Councillors:**

S.M. Allen, J.M. Charles, S.A. Curry, I.W. Davies, J.A. Davies, P.M. Edwards, W.T. Evans, S.J.G. Gilasbey, J.K. Howell, J.D. James, C. Jones, D. Jones, H.I. Jones, M.J.A. Lewis, K. Lloyd, K. Madge, B.D.J. Phillips and G.B. Thomas.

**Also in attendance:**

Councillor J. Jenkins who addressed the Committee in respect of planning applications S/35962 and S/36429;

Councillor K. Broom who addressed the Committee in respect of planning application S/35028;

**The following Officers were in attendance:**

J. Thomas, Senior Development Management Officer [South]

K. James, Assistant Engineer Planning Liaison

S. Murphy, Senior Solicitor

J. Owen, Democratic Services Officer

**Chamber, County Hall, Carmarthen - County Hall, Carmarthen – 1:30pm - 5.25pm**

[Note:

- 1) In order to resolve a debate regarding a declaration of interest and seek solicitor's advice the Committee adjourned at 2:10pm and reconvened at 2:20pm;
- 2) At 4:30pm the Committee's attention was drawn to Council Procedure Rule 9 – Duration of meeting and, as the meeting had been underway for nearly three hours it was **RESOLVED** to suspend standing orders to enable the Committee to complete the remaining business on the agenda;
- 3) At 4:30pm the Committee adjourned for a 5 minutes comfort break and reconvened at 4:35pm.]

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J.E. Williams.

**2. DECLARATIONS OF PERSONAL INTERESTS**

Councillor	Minute Item(s)	Nature of Interest
G.B. Thomas	Item 3.1 - RESIDENTIAL DEVELOPMENT FOR 51 DWELLINGS TOGETHER WITH ASSOCIATED WORKS AT LAND OFF CLOS Y BENALLT FAWR, FFOREST, SWANSEA, SA4 0TQ	In accordance with paragraph 8a of the Members Code of Conduct.

**3. TO CONSIDER THE HEAD OF PLANNING'S REPORTS ON THE FOLLOWING PLANNING APPLICATIONS [WHICH HAD BEEN THE SUBJECT OF EARLIER SITE VISITS BY THE COMMITTEE] AND TO DETERMINE THE APPLICATIONS**

**3.1. S/35215 - RESIDENTIAL DEVELOPMENT FOR 51 DWELLINGS TOGETHER WITH ASSOCIATED WORKS AT LAND OFF CLOS Y BENALLT FAWR, FFOREST, SWANSEA, SA4 0TQ**

[Note: In accordance with paragraph 8a of the Members Code of Conduct Councillor Gareth Thomas left the meeting prior to consideration and determination thereof].

The Senior Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (Minute 3.1 of the Planning Committee held on the 11<sup>th</sup> January, 2018 refers) the purpose of which was to enable the Committee to assess visibility and access to the site from Fforest Road. He thereupon referred, with the aid of powerpoint slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the development, a summary of consultation responses received and information on the local and national policies which were relevant to the assessment of the application.

The Committee was advised that the Head of Planning was recommending approval of the application for the reasons detailed within her written report.

Representations were received objecting to the application re-iterating the objections detailed within the Head of Planning's Report with the main emphasis of the objections concentrating on concerns regarding the attenuation pond and head wall, the impact upon the overall character of the Llŵchwr Valley Special Landscape Area and the capacity of the junction of Clos Benallt with the A48.

The Applicant, Senior Development Management Officer and the Assistant Engineer – Planning Liaison responded to the issues raised.

**RESOLVED that:-**

- 3.1.1 planning application S/35215 be refused contrary to the Head of Planning's recommendation as the Committee was of the opinion that the development was contrary to LDP policies EQ6, TR3 and TAN 12;**
- 3.1.2 the Head of Planning to submit a report to a future meeting detailing, for the Committee's endorsement and suggested planning reasons for the refusal of the application based on the above.**

**3.2. S/35962 - RETENTION OF GROUND FLOOR AS A DAYTIME CAFÉ BAR, WITH USE OF REAR GROUND AND FIRST FLOORS AS A NIGHTCLUB DURING EVENING HOURS, TOGETHER WITH ADDITION OF A REAR FIRE ESCAPE STAIRWELL AT 56 STEPNEY STREET, LLANELLI, SA15 3TG**

The Senior Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (Minute 3.2 of the Planning Committee held on the 11<sup>th</sup> January, 2018 refers) the purpose of which was to enable the Committee to view the site to gain a better perception of the location of the proposed nightclub in relation to the neighbouring properties.

He thereupon referred, with the aid of powerpoint slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the development, a summary of consultation responses received and information on the local and national policies which were relevant to the assessment of the application.

The Committee was advised that the Head of Planning was recommending approval of the application for the reasons detailed within her written report.

A representation from the local member was received objecting to the application re-iterating the objections as detailed within the Head of Planning's Report. The Senior Development Management Officer responded to the issues raised.

**RESOLVED that planning application S/35962 be granted subject to the conditions detailed with the Head of Planning's written report.**

**3.3. S/36429 - TWO STOREY SIDE EXTENSION WITH A CAR PORT TO THE GROUND LEVEL AT 36 STRADEY PARK AVENUE, LLANELLI, SA15 3EF.**

The Senior Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (Minute 3.2 of the Planning Committee held on the 11<sup>th</sup> January, 2018 refers) the purpose of which was to enable the Committee to assess whether the proposal could adversely impact on the amenity of the neighbouring property in terms of loss of light and to consider the character of the proposal in relation to the area. He thereupon referred, with the aid of powerpoint slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the development, a summary of consultation responses received and information on the local and national policies which were relevant to the assessment of the application.

The Committee was advised that the Head of Planning was recommending approval of the application for the reasons detailed within her written report.



Representations were received objecting to the application re-iterating the objections detailed within the Head of Planning's Report with the primary areas of concern relating to the over-bearance and loss of light along with concerns that the application would result in a change of character to the street scene of Stradey Park Avenue.

The Applicant and Senior Development Management Officer responded to the issues raised.

**RESOLVED that planning application S/36429 be refused contrary to the Head of Planning's recommendation as the Committee was of the opinion that the development was contrary to LDP policy GP6 on the basis that the amenity of the proposed extension would adversely impact upon the neighbouring property in terms of loss of light.**

**3.4. S/35028 - TWO STOREY DWELLING AT 15A BRYNCAERAU, TRIMSARAN, KIDWELLY, SA17 4DW.**

[Note: Councillor Joseph Davies was not present at the Planning Committee held on the 11th December 2017 and therefore did not participate in the determination or vote on the decision of the application.]

The Senior Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (Minute 3.2 of the Planning Committee held on the 11<sup>th</sup> January, 2018 refers) the purpose of which was to enable the Committee to view the site and its access in view of the concerns raised regarding highway safety. He thereupon referred, with the aid of powerpoint slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the development, a summary of consultation responses received and information on the local and national policies which were relevant to the assessment of the application.

The Committee was advised that the Head of Planning was recommending refusal of the application for the reasons detailed within her written report.

The local member who was in support of the application informed the Committee that the applicant had now signed the section 106 and that the neighbour on the right hand side of the property was amenable to discuss any developments required.

The Assistant Engineer – Planning Liaison responded to queries raised in relation to the possible visibility improvements on third party land at the site.

**UNANIMOUSLY RESOLVED that the planning application be deferred to enable the case officer to contact the applicant to discuss possible visibility improvements over adjacent third party land.**



**4. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON THE FOLLOWING DATES:-**

**4.1. 1<sup>ST</sup> DECEMBER 2017**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting held on the 1<sup>st</sup> December 2017 be signed as a correct record.

**4.2. 14<sup>TH</sup> DECEMBER 2017**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting held on the 14<sup>th</sup> December 2017 be signed as a correct record.

\_\_\_\_\_  
**CHAIR**

\_\_\_\_\_  
**DATE**

*[PLEASE NOTE: These minutes reflect the order of business itemised on the agenda for the meeting which may differ from that on any webcast recording as applications with members of the public attending to speak would have been dealt with first.]*

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## PLANNING COMMITTEE

Thursday, 8<sup>th</sup> March 2018

**PRESENT:** Councillor A. Lenny (Chair)

**Councillors:** S.M. Allen, J.M. Charles, J.A. Davies, P.M. Edwards, W.T. Evans, S.J.G. Gilasbey, J.K. Howell, J.D. James, C. Jones, D. Jones, H.I. Jones, M.J.A. Lewis, K. Lloyd, K. Madge, B.D.J. Phillips, G.B. Thomas and J.E. Williams.

**Also in attendance:**

Councillor C. A. Davies who addressed the Committee in respect of planning application W/36448.

**The following Officers were in attendance:**

J. Edwards, Development & Built Heritage Manager;  
G. Noakes, Senior Development Management Officer [East];  
J. Thomas, Senior Development Management Officer [South];  
K. James, Assistant Engineer Planning Liaison;  
S. Murphy, Senior Solicitor;  
J. Owen, Democratic Services Officer.

**Chamber, County Hall, Carmarthen - County Hall, Carmarthen – 10:00am - 11:30am**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors I.W. Davies and S. Curry.

**2. DECLARATIONS OF PERSONAL INTERESTS**

There were no declarations of personal interest.

**3. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS**

**3.1 RESOLVED** that consideration of the following planning applications be deferred to enable the Committee to undertake a site visit:-

<b>S/34755</b>	<p><b>Two static residential caravans together with the erection of a day/utility room, two touring caravans and a stable block (partly retrospective) at land at Hillside View, Hendy, Llannon, SA14 8JX</b></p> <p>[Note: Councillor G.B. Thomas left the meeting prior to consideration and determination thereof, following advice from the Solicitor that as a local member he would have a predetermined view in respect to this application S/34755.].</p> <p>A request was received for the Committee to undertake a site visit in order to view the access.</p> <p>In accordance with Planning Committee Protocol, the objectors who had requested to speak in relation to this application, opted to make their representations at the meeting following the site visit.</p>
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	<p><b>REASON:</b> To enable the Committee to view the site access, in view of concerns raised regarding the limited visibility on to the B4306 road.</p>
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<b>S/36679</b>	<p><b>Reserved matters relating to access, appearance, landscaping, layout and scale, together with the discharge of Conditions 7, 9 and 11 attached to planning permission S/27346 at land at Maes Y Bryn, Penllywngwyn Road, Bryn, Llanelli, SA14 9RQ</b></p> <p>A request was received for the Committee to undertake a site visit on the basis that the additional traffic from the development would contribute to the existing traffic and congestion problem and impact on highway safety.</p> <p><b>REASON:</b> To afford the Committee with the opportunity to view the access of the proposed development in view of concerns raised regarding highway safety.</p>
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- 3.2 UNANIMOUSLY RESOLVED** that the following planning application be granted subject to the conditions detailed within the Report of the Head of Planning and or reported at the meeting:-

<b>S/36707</b>	<p><b>Construction of 29 no. residential units with associated access, landscaping and infrastructure works at land off Frondeg Terrace, Llanelli, SA15 1QB</b></p> <p>[Note: A request was received for the Committee to undertake a site visit. The request was duly moved and seconded, however following a vote the request was denied.]</p>
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- 3.3 UNANIMOUSLY RESOLVED** that the reasons for refusal drafted by the Head of Planning, as detailed in the report, in relation to the following planning application which was refused planning permission by the Planning Committee on 8<sup>th</sup> February 2018, contrary to the Head of Planning's recommendation, be endorsed.

<b>S/35645</b>	<p><b>Residential dwelling and garage at land off Hafod Road, Tycroes, Ammanford, SA18 3GA</b></p> <p>[Note: Councillor H. I. Jones was not present at the Planning Committee held on the 8th February 2018 and therefore did not participate in the determination or vote on the decision of the application].</p>
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#### 4. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS

- 4.1 **UNANIMOUSLY RESOLVED** that the following planning application be granted subject to the conditions detailed within the Report of the Head of Planning and or reported at the meeting:-

<b>W/36448</b>	<b>Proposed double garage at 9 Trysor, Glenfryn, Porthyrhyd, Carmarthen, SA32 8PP</b>  A representation was received from the local member in support of the proposed development and included the following:- <ul style="list-style-type: none"><li>• It was acknowledged that in planning terms no-one has the right to a view.</li><li>• The planning application is for a private domestic garage and would not be used for commercial use;</li><li>• The drainage and disposal of surface water was considered adequate.</li></ul>
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- 4.2 **UNANIMOUSLY RESOLVED** to defer the following application W/36577 due to the applicant's recent service of the required notice upon a third party with an interest in the application site.

<b>W/36577</b>	<b>Variation of Condition 2 of planning permission W/30595 (extension of time in which to submit reserved matters) at land at Cae Glas, St Clears, Carmarthen, SA33 4EY</b>
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- 4.3 **RESOLVED** that the following planning application be granted contrary to the Head of Planning's recommendation, subject to a Section 106 agreement and relevant conditions;

<b>W/36522</b>	<b>Construction of a detached dwelling (local needs) at plot adjacent to Ael-y-Bryn, Carmarthen, SA33 3EH</b>  The Senior Development Management Officer [East] advised the Committee that should this application be granted the applicant would be required to adhere to the conditions of Section 106.  <b>REASONS:</b> The Committee were of the view that the application conformed to policies GP1, TAN6, AH3 and that the application meets a genuine local need.
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**5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 8<sup>TH</sup> FEBRUARY 2018**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting held on the 8<sup>th</sup> February 2018 be signed as a correct record.

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**CHAIR**

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**DATE**

*[PLEASE NOTE: These minutes reflect the order of business itemised on the agenda for the meeting which may differ from that on any webcast recording as applications with members of the public attending to speak would have been dealt with first*