

Document Pack



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County Hall, Carmarthen. SA31 1JP

WEDNESDAY, 16 AUGUST 2017

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, 24TH AUGUST, 2017** 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. Councillor Liam Bowen
2. Councillor Mansel Charles
3. Councillor Tyssul Evans
4. Councillor Jeanette Gilasbey
5. Councillor Ken Howell
6. Councillor Carys Jones
7. Councillor Alun Lenny (Chair)
8. Councillor Jean Lewis
9. Councillor Gareth Thomas.
10. Councillor Eirwyn Williams

Member of Llanegwad Community Council
Member of Llangyndeyrn Community Council
Member of Kidwelly Town Council

Member of Carmarthen Town Council

LABOUR GROUP - 6 MEMBERS

1. Councillor Penny Edwards
2. Councillor John James
3. Councillor Dot Jones
4. Councillor Ken Lloyd
5. Councillor Kevin Madge
6. Councillor Louvain Roberts

Member of Pembrey & Burry Port Community Council
Member of Llannon Community Council
Member of Carmarthen Town Council
Member of Cwmamman Town Council

INDEPENDENT GROUP - 4 MEMBERS

1. Councillor Sue Allen
2. Councillor Ieuan Davies
3. Councillor Joseph Davies
4. Councillor Irfon Jones (Vice-Chair)

Member of Whitland Town Council

Member of Bronwydd Community Council

NO SUBSTITUTES ARE ALLOWED AT MEETINGS OF THIS COMMITTEE

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF PERSONAL INTERESTS
3. AREA EAST - DETERMINATION OF PLANNING APPLICATIONS 5 - 30
4. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS 31 - 80
5. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS 81 - 118
6. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE:-
 - 6 .1 13TH JUNE, 2017; 119 - 122
 - 6 .2 29TH JUNE, 2017; 123 - 128
 - 6 .3 11TH JULY, 2017; 129 - 134

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**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

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

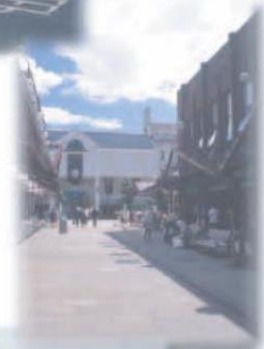
**AR GYFER PWYLLGOR
CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 24 AWST 2017
ON 24 AUGUST 2017**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal
Dwyrain/
Area East*



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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	24 AUGUST 2017
REPORT OF:	HEAD OF PLANNING

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E/35527	Detached Garage at 1 Bryn Road, Penygroes, Llanelli, SA14 7PW	26-30

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
	There are no recommended applications for refusal.

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	E/33695
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Application Type	Full Planning
Proposal & Location	FULL PLANNING FOR THE ERECTION OF A POULTRY UNIT ON FARM TO ACCOMMODATE FREE RANGE CHICKENS (EGG PRODUCTION) TOGETHER WITH ASSOCIATED FEED BINS, INTERNAL FARM ACCESS AND ASSOCIATED WORKS AT GODRE GARREG, LLANGADOG, SA19 9DA

Applicant(s)	T V HUGHES & CO, GODRE GARREG, LLANGADOG, SA19 9DA
Agent	ROGER PARRY AND PARTNERS - GAIL LEWIS, THE ESTATES OFFICE, 20 SALOP ROAD, OSWESTRY, SHROPSHIRE, SY11 2NU
Case Officer	Kevin Phillips
Ward	Llangadog
Date of validation	21/04/2016

CONSULTATIONS

Head of Transport – Initially recommended the refusal of the application as the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the county road. However, following a traffic survey and improvement to the design of the access and the proposed provision of a passing bay along the road leading to/from the site, the application is now supported subject to the imposition of conditions.

Head of Public Health & Protection – Requests that a suitably worded condition is applied to any planning permission, requiring the business to be operated in compliance with the Design and Access Statement mitigation measures, to ensure that the amenity of local residents/businesses is adequately protected from dust during construction.

As the proposed location of the proposed development is within close proximity to a number of residential dwellings, it is also recommended that a further seven noise related conditions are applied to any permission.

The comments provided in response to the application consultation do not prejudice any Environmental Health enforcement action required as a result of the proposals, therefore it is important that any development does comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990.

Head of Corporate Property – No objections.

Llangadog Community Council – Objects to the proposal. Whilst the Community Council has no issue with the applicant wishing to diversify their business and move into egg production, they do feel that the current proposed location for a poultry unit of this size and scale is inappropriate due to its close proximity to several neighbouring residential properties (under 200m).

The Community Council would like to ensure that the planning authority ensures that there is sufficient separation between the residential properties and the proposed poultry unit to mitigate against any detrimental effects of noise smell and visual amenity as set out in planning law.

Local Member– County Councillor A James requests that the Planning Committee determines the application. The reasons for this request are as follows:-

- The planning application includes details in relation to the mitigation of the scheme with landscaping details and ammonia modelling to protect the SSSI;
- Access to/from the site is an important consideration;
- The applicant is diversifying at the site and the employment benefits for his family are an important consideration.

Natural Resources Wales – Following a detailed consideration of the proposal that includes detailed manure management and nutrient plans, it is recommended that any permission should include conditions that shall require within one month of granting planning permission, the submission of a planning application for the erection of a covered manure store at Godre Garreg; no manure spreading shall take place within a 10m wide buffer zone measured from any nearby water course bank top for the whole extent of the site; on an annual basis the manure management plan will be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless other agreed in writing with the Local Planning Authority; all vehicles used for the movement of manure shall be sheeted and/or fully covered and the storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the protection of Air, Water and Soil.

In addition, a Test of Likely Significant Effect (TLSE) for the proposed development has been undertaken and it was concluded that planning permission should only be granted if relevant conditions are attached. The conditions would address significant concerns that have been identified with regard to manure management. Poultry waste from the unit will be managed in line with the approved manure management plan and during the operational lifetime of the poultry unit an updated manure management plan is to be submitted to the Local Planning Authority for written approval on an annual basis reflecting any changes in the operation. The nutrient management plan which informs the manure management plan is also to be updated as required as agreed with the Local Planning Authority in writing.

Subject to the imposition of the specified conditions it is considered that the development will have no significant effect on the River Tywi Special Area of Conservation (SAC).

The comments above only relate specifically to matters that are included on Natural Resources Wales checklist and Planning Consultations (March 2015) which is published on NRW website. NRW have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

National Grid – No comments received.

Dwr Cymru/Welsh Water – No comments received.

Dyfed Archaeological Trust – Required a historic environment appraisal of the site to be undertaken, which has subsequently been done and has been approved by the Trust.

Neighbours/Public – This application has been publicised by the display of a site notice in the vicinity of the application site; 79 letters of objection have been received, in addition to an online petition with over 1300 signatures and 33 letters of support have been received and the reasons of objection are as follows:-

- The proposal is a large scale building that will be detrimental to the visual amenity of the landscape.
- The proposal will result in highway safety problems with vehicles accessing and exiting the site.
- The proposal is within the river Tywi flood zone and there will be pollution of the environment as a result.
- The proposal will result in the loss of hedgerow.
- The proposal will be detrimental to local living conditions as a result of noise.
- The proposal will be detrimental to local living conditions as a result of smells.
- There will be an increase in rats and fly infestation.
- There will be a devaluation of local properties.
- The welfare of the chicken business is questioned.
- The proposal will increase in Antibiotic resistance.
- The proposal will Impact upon the tourism of the locality.
- The proposal will Impact upon the heritage of Llangadog village.
- There is concern regarding the spread of manure.

The letters of support of the application refer to:-

- Expansion and diversification of a rural business is essential for a rural community
- The proposed development will allow a young farmer to succeed in a new rural enterprise
- A modern poultry will not cause any harm in for local residents in terms of smells and noise
- The proposal allows quality food to be produced locally
- Chicken manure will be beneficial to farming practices in the locality and rather than importing in from far afield, the manure can be supplied from a local source.

PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

The Local Planning Authority received amended section plans on Monday 3 April 2017 prior to reporting the proposal to the Planning Committee on 6 April 2017, which indicated that the proposed poultry unit was to include ventilation chimneys (the majority of which were some 1.8 metres above the plane and 1.0 metre in diameter) on the building's roof, followed by elevational plans on Tuesday 4 April 2017 which showed that a total of 24 ventilation chimneys are to be added to the roof.

The aforementioned changes to the proposed poultry unit were not supported by the Local Planning Authority and as a result a revised, ventilation design of a reduced scale is now to be considered, following a new public notification exercise that included a site notice and letters duly informing the local community council and local member.

THE SITE

The application site is part of two large fields within the Tywi Valley, approximately 220 metres south/south east of the dairy farm, Godre Garreg, Llangadog. Access to the site is from an unclassified road that runs across Carregsawdde Common and ends at Devanah and Dolau farm. There are two properties to the south of the application site with a mature hedgerow in between along the field boundary; Brofana (formerly Kite Cottage) at 30 metres and Ty Newydd a further 17 metres to the south. Opposite the proposed access there is a bungalow, Derwen Deg, which is approximately 90 metres to the east of the poultry unit. Bwlchagored is located approximately 140 metres to the north-east fronting the highway to the site. The village of Llangadog is approximately 1 kilometre to the north-east across the river Sawdde and the village of Carregsawdde is approximately 400 metres to the East.

THE PROPOSAL

The application seeks planning permission to erect a juniper/olive green free range poultry unit; the hen house is shown to measure 140 metres x 20 metres, being of a rectangular design, with a 3.1 metre eaves height and 6.69 m height to the ridge, four feed bins at 8.95 metres in height, are proposed to be sited at the mid-point of the southern elevation. The roof will have box profile sheeting and the elevations will be a mass concrete base with box profile sheeting to the eaves. The elevation facing towards the farm will have pop holes to the site to allow the hens to exit and enter. The east gable elevation will have four, 3 metre wide double doors and a standard door opening in the western side of the south elevation and one centrally positioned in the west gable elevation. The roof of the proposed poultry unit is now to include 16 colour coded exhaust chimneys with fans, with 8 spread evenly along the width of the centre of the building and 8 towards the north-west elevation and there will also be 8 colour coded inlet chimneys along the length of the building with no fans. The exhaust chimneys will be 0.6 metres above the plane of the roof and the inlet chimneys will also be 0.6 metres above the ridge.

The building is specifically designed for the housing of free range hens and is to meet the relevant regulations and codes for bird welfare. The proposed development will have the capacity to accommodate up to 32,000 laying hens.

The proposed units will not only house the poultry, but will include the mechanical processing and packing of eggs via a conveyor belt system. Essentially, the chickens will

lay eggs within certain designated areas within the units; the eggs will enter onto a conveyor system (this may also be done manually); then transported into the packaging/grading area whereby they are mechanically sorted and graded into crates. The crates are then sealed and stored at optimum temperatures before being collected. The whole process is low labour intensive.

The poultry unit is to be served by a new, revised access approximately 25 metres from the boundary with Brofana and Ty Newydd which runs along the south side of the building with a turning facility at the western extremity. A hardstanding area for parking is to be provided at the eastern side of the building for staff, deliveries and collections.

PLANNING POLICY

The application falls to be considered against Policies within the Carmarthenshire Local Development Plan (LDP). The relevant policies are:

Policy SP14 is a strategic policy that requires that development should reflect the need to protect and wherever possible enhance the County's natural environment and should be considered in accordance with national guidance/legislation and the policies and proposals of this plan.

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development 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. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy EMP 4 provides advice on the consideration of farm diversification proposals, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape.

Proposals should give priority to the conversion of suitable existing buildings on the working farm. Where justified new building should be integrated with the existing working farm complex and not detrimental to the respective character and appearance of the area and surrounding landscape.

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.

Policy EQ4 states that 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 the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; 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 EQ6 states that Special Landscape Areas are designated in specific locations and 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 the Plan).

Policy EP1 requires that proposals for development 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. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.

Policy EP2 requires that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.

Policy EP3 requires 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.

Nationally, Technical Advice Note 6 – ‘Planning for Sustainable Rural Communities’ (July 2010) provides guidance on the subject of new agricultural buildings that requires local planning authorities seek to ensure such development is essentially required at that location, sensitively related to existing settlement patterns and landscape features, and is of an appropriate size, scale and design. These principles serve to ensure the proposal is justified, and complements rather than detracts from the site and surroundings in which it is proposed.

THIRD PARTY REPRESENTATIONS

The details in relation to the letters of objection received shall be considered herewith.

The proposal is a large scale building that will be detrimental to the visual amenity of the landscape.

Although large, the proposed free range egg production unit, is not considered to be overly large in relation to its setting with a mature hedgerow and supporting landscaping to supplement the existing hedgerow to the south and additional native species woodland

planting to the western and northern side to screen the development. Although having some concerns in relation to the impact of the building in the landscape, the Landscape Officer has not objected to the proposal, recommending the imposition of conditions on any permission to mitigate the impact.

The proposal will result in highway safety problems with vehicles accessing and exiting the site.

The proposed development has been considered in detail by the Head of Transport in relation to the vehicular movements, visibility splays and turning facilities and the proposal is supported subject to the application of relevant conditions. This will include a passing bay within highway limits, at the western edge of Llangadog common, opposite Dolgarreg.

The proposal is within the flood zone and there will be pollution of the environment as a result.

Following the submission of detailed information to Natural Resources Wales including a TLSE, the proposal has received their support, in that any fluvial flood risk to the unit was likely to be negligible. Therefore there is not considered to be any significant risk through pollution of the local rivers as a result of flooding.

The proposal will result in the loss of hedgerow.

A length of hedgerow along the eastern boundary at the proposed access and western side of the proposed site is to be removed, however there will be native species hedgerow planted adjacent to the western side and a further native species woodland planting to screen the development from wider views and a hedgerow and a further native species hedgerow is to be planted from the eastern side of the building to the highway hedgerow in addition to further native species woodland planting to screen the development from wider views and to aid integration into the landscape.

The proposal will be detrimental to local living conditions as a result of noise and smells.

As detailed in the summary consultations section above, the proposal has received a favourable recommendation from the Head of Public Protection subject to the imposition of a number of relevant conditions on any permission.

There will be an increase in rats and fly infestation.

It is considered that as far as flies are concerned, they could be controlled by way of Statutory Nuisance powers under the Environmental Protection Act 1990, this would include management practices at the unit to ensure fly larvae etc are controlled as conveyed in the Design and Access Statement submitted with the application. Rats can be controlled via pest control treatments, and minimising access to foodstuffs etc and legal notices for rodent problems can be served if deemed necessary.

There will be no employment created by the proposal and there is no viable need for the proposal.

The proposed development will add to the existing agricultural business viability of the farm with the introduction of three full time and 1 part time employees.

The application is not supported by an Environmental Impact Assessment.

The proposal comes under “*Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes*” as defined in Column 1 as it is deemed a permanent agricultural building; the area of development does not exceed the 0.5 hectare threshold.

It would appear that the proposed development falls within Schedule 2 of the 2016 Regulations (part 1C) and as such only requires an EIA ‘if it is a development, with an area of new floorspace that exceeds 500 square metres. In this instance the proposed shed measuring 120 metres x 20 metres would have a floor-space equating to 2800 sq. metres. The development therefore falls to be considered against the indicative thresholds and criteria stipulated in Column 2 of schedule 2 (part 1C).

The relevant circular provides guidance and stipulates that such developments on previously uncultivated land would only require an EIA if it is designed to house more than “50,000 layers, turkeys or other poultry”. From the information given by the landowner, the building has been designed to accommodate 32,000 poultry, on the basis of the above it is not considered that the requirement of an EIA are applicable.

In the consideration of the above it necessary to consider the characteristics of the development in combination with its proposed location in order to identify the potential for interactions between a development and its environment and therefore determine whether there are likely to be significant environmental effects. Having received a favourable response to consultation from NRW in relation to the TLSE, it is considered that the proposed development will not have a significant impact upon the local environment.

There will be a devaluation of local properties/The welfare of the chicken business is questioned/ The proposal will increase in antibiotic resistance.

These are not considered to be a material planning considerations in the determination of the application.

The proposal will impact upon the tourism of the locality.

It is not considered that an agricultural building as a diversification scheme to an existing farming enterprise will have any significant harm to the tourism of the locality. It is appreciated that there is a small scale exempted caravan site adjacent at Ty Newydd, however the retention and strengthening of the landscape feature will not result in the proposal having any harmful impacts on the caravan site.

The proposal will impact upon the heritage of Llangadog village.

The building is sufficiently distant from the village of Llangadog to ensure that there will not be any harm to its heritage.

There is concern regarding the spread of manure.

The updated manure management plan considers the requirements of the current Glastir agreement. The plan shows that there is insufficient land available to apply all the poultry manure produced. The excess is to be exported off the holding by a (specialised) contractor. The plan also refers to the construction of a new manure store on the holding.

NRW has confirmed that the nutrient management plan based on soil samples taken in 2013 is acceptable, commenting that the applicant should refer to best practice and be aware that the soil nutrient levels should be checked every three to five years to give a suitable baseline for the production of the nutrient management plan.

As noted in the summary of consultations section above, the proposal has been the subject of a detailed consideration by NRW, including the assessment of manure and nutrient management plans and the undertaking of a TLSE and it has been concluded that the proposal shall not have a significant effect on the River Tywi Special Area of Conservation. The application of conditions recommended by NRW to the planning permission and their adherence will protect the environment from any concerns.

CONCLUSION

The proposed poultry building is sited away from Godre Garreg farmyard and buildings at a location accessed from an unclassified road to the south east, which has three dwellings in what can be considered as within close proximity to the proposal. The Local Planning Authority has consulted numerous consultees and following a lengthy period of consideration and deliberation of the responses from the statutory consultees and the public, the principal areas of concern regarding the application concerned the visual harm, smells and noise, the highway impacts of the development, and the manure management plan.

It is considered that the principal concern in relation to smells and noise can be appropriately controlled with the professional management of the business and adherence to conditions applied to the planning permission. Although there would be negligible odour from the buildings when in operation, there may be some odour from the buildings during the cleaning period, which is for a short period of time every 14 months and this is not considered significant enough to warrant a negative determination of the proposal.

The Head of Transport is satisfied that the traffic movements, access and parking/turning provision at the site with a passing bay proposed to be provided, is acceptable and has received a favourable response to consultation subject to the application of conditions.

The Landscape Officer has considered the proposed development and in the course of the application requested improvements to the landscaping scheme with regard to which it has been concluded that the proposed development will not have a significant visual impact on the amenity of adjacent uses, properties, residents or community; the scheme retains important local features and ensures the use of good quality hard and soft landscaping; embraces opportunities to enhance biodiversity and ecological connectivity; not adversely affect those features which contribute local distinctiveness/qualities of the county, and to the management and/or development of ecological networks [wildlife corridor networks], accessible green corridors and their continuity.

The Landscape Officer has raised some concern regarding the scheme's adherence with policy GP1 of the LDP regarding the ability to conform with and enhance the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. Also, the scheme's ability to incorporate existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges; and utilises materials appropriate to the area within which it is located. In addition, concern is raised whether the proposal 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. The ability of the proposal to enhance or improve the Tywi Valley Special Landscape area in relation to policy EQ6 is also raised.

The Planning Ecologist has undertaken a Test of Likely Significant Effect (TLSE) on the proposal with NRW consultation, which is a process in determining planning applications, whereby local planning authorities should have regard to the Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Habitats Directive in respect of the land use planning system. The consideration of the likelihood of significant effects is a form of screening process or risk assessment. The planning authority must consider whether the proposed development would be likely to have a significant effect on any European site or European offshore marine site alone and in combination with other plan or projects. In doing so, it must adopt a precautionary approach. The TLSE was forwarded to NRW who have indicated that they are satisfied with the findings of the assessment and the proposed mitigation measures and consider that subject to the measures and conditions referred to therein being applied to any permission, their significant concerns regarding the development would be addressed.

The operation of the free range egg production business is typically seen as an extension to an existing farm business and the rural location proposed is where in planning terms it is expected to see this type of enterprise. Taking into consideration the comments of the consultees and the issues of objection received, and balancing this with the policy guidance that is available through the Carmarthenshire LDP as well as other national guidance, it is considered that at this location with the landscaping mitigation, the proposed poultry unit is acceptable and the successful operation of the business in both planning and business terms is reliant upon adherence to the planning conditions and effective management of the business. While the proposed development shall have an impact within the Tywi Valley Special Landscape area, a balance has to be made between the visual harm to the landscape and the economic benefits of this farm diversification scheme. From the initial report of the application in April 2017, the proposal now includes substantially reduced chimneys on the roof of the building (0.6 metres above the plane of the roof), which are not considered to add significantly to the assessment of the impact in terms of visual harm. It is considered that the siting has implemented as much of the existing hedgerow screening and will apply sufficient additional landscaping improvements to allow the balance to tip in favour of the application.

In light of the aforementioned report of the proposed development, it is recommended on balance that planning permission be granted for this development 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 above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:-
- Proposed Elevations and Floor Plan – Option 2 (Godregarreg 03), received 28 June 2017
 - Revised Site and Landscape Plan 04, 1:1000 scale, received 15 December 2016;
 - Plan showing Passing Bay 1:500 scale, received 25 November 2016;
 - Passing Place plan 1:250 scale, received 15 December 2016.
- 3 The building hereby approved shall only be used for the purposes of agriculture as defined by Section 336 of the Town and Country Planning Act 1990.
- 4 The use of the poultry unit shall be for free range egg laying only; any change to the operation must first be approved in writing by the Local Planning Authority.
- 5 Any external artificial lighting incorporated with the proposed poultry unit shall be installed in accordance with the relevant lighting engineers' guidance to reduce any potential light nuisance to neighbouring properties. Any such proposals for artificial lighting is to be agreed in writing by the Local Planning Authority prior to installation.
- 6 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway for the initial 15.0m measured from the nearside edge of carriageway and 10.0 metre kerbed radii at the junction with the U4502 road.
- 7 Any access gates shall be set back a minimum distance of 15.0 metres from the highway boundary, and shall open inwards into the site only.
- 8 The existing means of vehicular access into the site shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.
- 9 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 57 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 at no time be any growth or obstruction over 0.9m within this splay area.
- 10 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.
- 11 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, 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.

- 12 The site access road shall be hard-surfaced for a minimum distance of 15.0 metres behind the nearside edge of carriageway, in materials which shall be subject to prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 13 A passing bay, giving a carriageway width of 5.5 metres over a 10 metres linear length of the road, shall be provided as shown on the Passing Place drawing dated 13/12/2016. This shall be implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 14 Within one month of the granting of this planning permission the applicant shall submit a planning application for the erection of a covered manure store at Godre Garreg farm, Llangadog. No work shall commence on the poultry unit hereby approved until the covered manure store has also been granted planning permission and the poultry unit shall not be operational until the covered manure store has been completed and is ready to be used in association with the approved poultry unit.
- 15 No manure spreading shall take place within a 10 metre wide buffer zone measured from any nearby water course bank top for the whole extent of the site (banked off is defined at the point at which the bank meets normal land levels). The buffer zone shall be without structure, hardstanding, footpath, fences or overhanging development.
- 16 During the operational lifetime of the poultry unit an annual updated manure management plan reflecting any changes in the operation is to be submitted to the Local Planning Authority for their written approval. The nutrient management plan which informs the manure management plan is also to be updated and submitted in conjunction to the Local Planning Authority for their written approval.
- 17 All vehicles used for the movement of manure shall be sheeted and/or fully covered.
- 18 Poultry waste from the unit will be managed in line with the approved Revised Manure Management Plan (January 2017), received 26 January 2017.
- 19 The rating level of the noise emitted from the proposed development as a whole shall not exceed the 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.
- 20 If the authority receives a justified complaint with respect to the development, 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 19 above. The assessment shall be undertaken under the supervision of the Local Authority.
- 21 In the event that Condition 19 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in

Condition 19. The development shall then be undertaken in accordance with the approved details.

- 22 Deliveries and collections associated with the proposed development shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 23 Any associated works with the proposed development, such as cleaning, maintenance shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 24 Fans shall not operate between the hours of 23:00 and 07:00.
- 25 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 26 The approved Detailed landscaping and planting of the site as approved within the Landscape Plan approved in Condition 2 above shall be fully implemented during the first available planting and seeding season following the commencement of the development.
- 27 Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design, 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.
- 28 The existing hedge/hedgerow along the south eastern *boundary of the enclosure with the unclassified 4502 road* shall be protected through all construction phase operations and thereafter retained, and maintained at a minimum height of 2.5 metres above the adjacent carriageway. Prior to any management works to the hereby defined hedge/hedgerow, which would result in laying or coppicing to a height below the hereby specified minimum height, a method statement for the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as the approved method statement. Any existing hedge/hedgerow or part thereof, which, within the lifetime of the approved development 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 existing hedge/hedgerow[s] in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.

3-5 To prevent any separate use on the site, and to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

6-13 In the interest of highway safety.

14-18 To ensure that there is no significant effect to any designated site.

19-25 In the interest of protecting the living conditions of local residents.

26-28 In the interest of the visual amenity of the locality.

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 adheres to the requirements of policy SP14 of the Carmarthenshire Local Development Plan which ensures that proposed development does not unacceptably harm the Tywi Valley Special Area of Conservation.
- The proposed development adheres to the requirements of policy GP1 of the Carmarthenshire Local Development Plan which ensures that proposed development promotes sustainability and high quality design, and seeks to ensure that development 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. The development proposal should also not have a significant impact on the amenity of adjacent land uses and properties.
- The proposed development adheres to the requirements of policy EMP4 of the Carmarthenshire Local Development Plan which ensures that proposed development is a form of farm diversification, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape. As the proposal is a new building and not integrated with the existing working farm complex, it remains that it is considered that the proposal is not detrimental to the respective character and appearance of the area and surrounding landscape.
- The proposed development adheres to the requirements of policy TR3 of the Carmarthenshire Local Development Plan which ensures that proposed development 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.

- The proposed development adheres to the requirements of policy EQ4 of the Carmarthenshire Local Development Plan which ensures that 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 the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; 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.
- The proposed development adheres to the requirements of policy EQ6 of the Carmarthenshire Local Development Plan which ensures that proposed development in Special Landscape Areas are designated in specific locations and 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 the Plan). The proposal is a diversification scheme for an established agricultural enterprise, at a sensitive siting and with a detailed landscaping scheme which will mitigate for the impact of the building within the landscape, and provides biodiversity benefits to the locality.
- The proposed development adheres to the requirements of policy EP1 of the Carmarthenshire Local Development Plan which ensures that proposals for development 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. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.
- The proposed development adheres to the requirements of policy EP2 of the Carmarthenshire Local Development Plan which ensures that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.
- The proposed development adheres to the requirements of policy EP3 of the Carmarthenshire Local Development Plan which ensures 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.

- The proposal complies with Welsh Assembly Government issued advice contained in Technical Advice Note 6 – ‘Planning for Sustainable Rural Communities’ in that the proposed development is appropriate to the site and surrounding landscape.

NOTES

- 1 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).
- 2 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.

- 3 The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
- 4 The burning of waste on the site should at no time be permitted which is likely to emit dark or black smoke, or smoke which would constitute a smoke nuisance at the nearest sensitive residential property.
- 5 All waste manure must be stored in a satisfactory manner/covered to ensure it does not give rise to an odour nuisance beyond the site boundary.
- 6 Appropriate methods of clearing the waste and cleaning the unit must be adopted to minimise the effect of dust / odours affecting neighbouring properties.
- 7 All dead stock must be stored in appropriate containers to reduce the potential for odours and flies.

- 8 Adequate procedures must in place for controlling flies if necessary.
- 9 Appropriate methods must be in place for the control of vermin if required.
- 10 Adequate procedures must be adopted to ensure the litter/manure inside the unit is kept dry and in such a condition as to reduce the ammonia produced.
- 11 It should be noted that the proposed development should be adequately controlled with regard to other emissions or deposits so that the development does not at any time constitute a statutory nuisance as defined by Section 79 of the Environmental Protection Act 1990.
- 12 Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Highway Authority.
- 13 The applicant should take due care and attention to avoid the deposit of mud on the road from construction vehicles using the access.
- 14 No drainage from the development site shall be connected to or allowed to discharge into the road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the road.

Application No	E/35527
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Application Type	Full Planning
Proposal & Location	DETACHED GARAGE AT 1 BRYN ROAD, PENYGROES, LLANELLI, SA14 7PW

Applicant(s)	STEVE EVANS, BERESFORD HOUSE, 1 BRYN ROAD, PENYGROES, SA147PW
Agent	,
Case Officer	Andrew Francis
Ward	Penygroes
Date of validation	15/05/2017

CONSULTATIONS

Llandybie Community Council – No objections to the proposal.

Local Member - County Councillor D Thomas has not commented to date.

Neighbours/Public – Nine neighbour consultations were sent out to advertise the application. Two letters of objection has been received as a result. The points of objection are summarised as follows:

- The application is not for a detached garage – it is a bungalow. Why is there so much cavity wall insulation for a garage?
- The building has caused a neighbouring property to lose their views over to the mountain.
- The first floor eastern side window and door overlooks the neighbour's garden and houses.
- The application for the 'proposed' garage wasn't submitted until the garage was already built and watertight. Question 10 asks about proposed materials but they have already been used and there is no mention of the cavity walls and insulation.
- Without height measurements on the plans, how can neighbours make informed decisions on such planning applications?
- When the applicant's moved in they removed some boundary hedge between themselves and 78-86 Waterloo Road stating that the land was the applicant's even though the hedge must have been there since before the 1930's.
- It is likely that this will come in as a future change of use.

RELEVANT PLANNING HISTORY

E/19051	Double Storey Extension to Side of Dwelling - Living Room Ground Floor, Bedroom First Floor and Double Garage Full Planning Permission Granted	6 June 2008
E/13859	One Bungalow Outline Permission Granted	7 September 2006

APPRAISAL

This report is as a result of a planning enforcement investigation.

THE SITE

The application site is the existing rear garden of 1 Bryn Road, Penygroes. Bryn Road is a small spur road off Waterloo Road.

The existing property is the first property on the southern flank of Bryn Road and as such bounds the rear gardens of a number of properties along Waterloo Road. The existing plot is fairly large and rectangular, sloping down from the road level.

A large double garage was approved planning permission back in June 2008 under reference E/19051. This has now been mostly completed and forms the subject of this application.

THE PROPOSAL

The proposal for consideration is for the retention of the amendments already added to the double garage under construction at 1 Bryn Road, Penygroes.

The building as currently constructed is of the same size as originally approved, measuring 8.28 metres in depth by 9.2 metres in width and 5.35 metres in height, therefore, the principle of this garage at this size has already been approved.

The amendments to the originally approved design are as follows –

- The front elevation has two slightly larger garage doors and now omits a regular door.
- The west elevation now features one window at first floor level, with one window and a regular domestic sized door at ground level, whereas the previous design had the external door at first floor, with two windows at ground floor level.
- The east elevation now features one obscure glazed window at first floor, with two windows at ground floor, whereas the previous design has no openings.
- The rear elevation on both designs has no openings.

The main change, as it relates to the neighbours are the changes to the east elevation, in particular the window at first floor level, as the ground floor windows look into a hedge.

PLANNING POLICY

The development plan is the Carmarthenshire LDP. The relevant policies for consideration of this application is Policy GP1 of the Carmarthenshire Unitary Development Plan.

Policy GP1 requires in this instance that the proposal conforms with and enhances the character and appearance of the site/area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing; utilises materials appropriate to the area in which it is located; would not have a significant impact upon the amenity of adjacent land uses, properties, residents or the community and provides for the satisfactory generation, treatment and disposal of both surface and foul water.

THIRD PARTY REPRESENTATIONS

Following the issue of nine neighbour consultation letters, two letters of objection have been received as a result of the consultation process. The points of objection are summarised and discussed as follows:

- The application is not for a detached garage – it is a bungalow. Why is there so much cavity wall insulation for a garage?

The application was and remains for a double garage to store the applicant's show car and associated parts. As mentioned above, the garage as built remains the same dimensions as originally approved. The issue of insulation is not something that planning usually looks at, it is a Building Regulations matter. Planning is concerned with and is happy with the use of the building.

- The building has caused a neighbouring property to lose their views over to the mountain.

As Members will be aware, there are certain points of objection that cannot be treated as material to an application. Loss of a view is one such objection.

- The first floor eastern side window and door overlooks the neighbour's garden and houses.

With regard to the first floor eastern side window, this is shown as being obscure glazed in order to retain the neighbour's privacy and will be conditioned to remain as such. Therefore, this is considered to be sufficient mitigation to protect the privacy of the neighbouring properties.

- The application for the 'proposed' garage wasn't submitted until the garage was already built and watertight. Question 10 asks about proposed materials but they have already been used and there is no mention of the cavity walls and insulation.

As described above, planning permission was granted in 2008 for this garage originally and that is what was commenced. The applicant has incorporated some modest design changes into the building and, as such, has sought to regularise them by submitting a new application to consider them. As mentioned above, the issue of insulation is a matter for Building Regulations.

- Without measurements on the plans, how can neighbours make informed decisions on such planning applications?

When applications are received, all plans must be drawn to a recognised scale. That way, all drawings can be measured accurately to not only check the size of a building, but also, other dimensions such as the heights and locations of windows and other openings, the information which, if shown on the plans, would quickly make a plan unreadable.

- When the applicant's moved in they removed some boundary hedge between themselves and 78-86 Waterloo Road stating that the land was the applicant's even though the hedge must have been there since before the 1930s.

Boundary issues whilst concerning for neighbours cannot be adjudicated on by the Planning Department as it keeps no records of land ownership.

- It is likely that this will come in as a future change of use.

The garage previously approved was conditioned to be used only for purposes ancillary to the dwelling and cannot be used as any separate form of accommodation. If that was to occur or be proposed, a planning application would be required.

CONCLUSION

In considering the plans submitted, given that the garage has already been approved at this size, essentially, the only issue under consideration is the amendments to the proposal from the original design. Of these amendments, it is the window at first floor level on the east elevation that is causing the most concern. As these windows are required as fire escapes and the proposed window is to be obscure glazed, the privacy of the neighbours is to be retained.

As this is the only change that would affect the neighbours, all other aspects of the proposal in terms of the size and basic design remain acceptable. Therefore, the application is recommended for approval.

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 strictly in accordance with the following approved plans received on 11 May 2017.
 - The 1:500 and 1:2500 scale Block and location Plan,
 - The 1:100 scale Floor Plans and Elevations.
- 3 The garage hereby approved shall be used for the domestic vehicular parking and storage needs of the occupiers of 1 Bryn Road, Penygroes only and shall not be used for any trade, business or commercial purposes.

- 4 The first floor window on the east elevation of the garage hereby approved shall remain obscure glazed in perpetuity.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3 – 4 To protect the amenity and privacy of neighbouring dwellings.

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 GP1 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the proposed garage is of a scale and design that is acceptable in a residential setting and will not have a significantly detrimental effect upon the amenity of the occupiers of the neighbouring dwellings.

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)

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

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

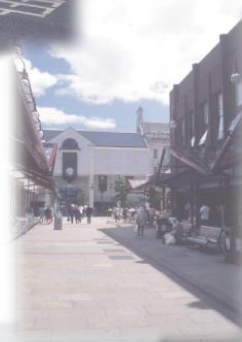
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 24 AWST 2017
ON 24 AUGUST 2017**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal De/
Area South*



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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	24 AUGUST 2017
REPORT OF:	HEAD OF PLANNING

INDEX - AREA SOUTH

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	PAGE NOS
S/34071	Inert waste processing centre at Former Morlais Colliery, Pontardullais Road, Llangennech, Llanelli, SA14 8YN	35-63
S/34402	Demolition of former Copperworks School and develop up to 9 new homes at former Copperworks Infants School, land at Morlan Terrace, Burry Port, SA16 0ND	64-80

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/34071
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Application Type	Full Planning
Proposal & Location	INERT WASTE PROCESSING CENTRE AT FORMER MORLAIS COLLIERY, PONTARDULAIS ROAD, LLANGENNECH, LLANELLI, SA14 8YN

Applicant(s)	BROWNS RECYCLING GROUP LTD - STEVE BROWN, C/O AGENT,
Agent	JCR PLANNING LTD - JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
Case Officer	Tom Boothroyd
Ward	Hendy
Date of validation	05/07/2016

CONSULTATIONS

Transport/Highways– No objection, have suggested 3 conditions relating to limiting traffic flows at peak times, restriction of total H.G.V movements and provision of wheel washing facilities.

South Wales Trunk Road Agency – No Objection.

CADW – No objection.

Dyfed Archaeological Trust – No Objection.

Public Protection– No objections subject to conditions being imposed to protect amenity and prevent contamination.

Ecology/Conservation – No objections, has conducted a TLSE which concluded no adverse impacts on the SAC/SSSI subject to the imposition of the conditions suggested by the contaminated land officer. (A revised TLSE is required following consultation with NRW but there has not been time to do the complete TLSE before this committee so, the application is recommended for approval with permission being issues on receipt of signed TLSE).

Local Members – No responses to date.

Llangennech Community Council –.No response to date.

Natural Resources Wales – No objections, various recommendations but no suggested conditions, will be signing off revised version of TLSE when submitted.

The Coal Authority – Have raised queries regarding the location of an old mine shaft on site and treatments to old shafts on the site – following information submitted the coal authority have withdrawn their objections and have not suggested any further conditions.

Neighbours/Public – the application has been publicised in the local press and by the display of site notice. This has resulted in 15 written objections. In summary the main concerns of residents are as follows:

- Dust pollution from the proposed crushing/screening operations at the site, and the potential for this to affect the local residents, in particular the nearby schools
- The impact that the development will have on the local highways network which is already very busy, along with the Hendy Junction it is felt that the increase in traffic, in particular the HGV traffic at the traffic light junction will result in unacceptable traffic and potential danger for road users
- Noise impacts as a result of the crushing/screening operations
- The visual impact of the development as people are entering Llanelli
- Potential impacts on the SAC/SSSI

RELEVANT PLANNING HISTORY

The following previous application(s) has/have been received on the application site:

D5/16109 [C5/350]	Variation of conditions 1 & 2 on application C5/318 removal of colliery spoil and land reclamation Approved	15 March 1994
D5/14765 [C5/318]	Proposed removal of colliery spoil for coal recovery and land reclamation Approved	1 July 1992
D5/13234 [C5/295]	Removal of colliery spoil for coal recovery, regrading land and demolition and clearance of existing colliery buildings Approved	25 June 1991
D5/12514 [C5/288]	Partial removal of colliery spoil heap Refusal	17 May 1990

APPRAISAL

THE SITE

The proposed development site is the long redundant Morlais Colliery site, off Pontarddulais Road, Llangennech, Llanelli; in total the proposed site will measure approximately 4 hectares. Coaling at the site ceased in the early 1980s and the site has been mostly vacant since that time, although some minor works have been carried out to address drainage issues in the past and some unauthorised coal processing took place for a short time. The site is located approximately 500 metres to the east of the main settlement of Llangennech; Hendy lies approximately 1km to the north-east of the site, the Hendy Junction of the M4 (junction 48) is located approximately 800 metres from the site. Access to the site is gained via a privately owned road (the old haul road from the colliery) which is approximately 300 metres long and via a minor road (adjacent to the Nursery at Tal Y Clun Isaf) onto the B4297 which exits onto the main A483 at the Tal Y Clun traffic lights. The motorway junction with the A483 is approximately 1 kilometre along the A483 from these traffic lights, both the motorway junction and the junction with the B4297 are known for their congestion at peak times.

The site itself is fairly level, with a gentle slope down to the south-east of the site, the majority of the site lies between 10 and 9 metres A.O.D, it comprises mostly of previously disturbed ground with much evidence of past coal workings still remaining at the site. The site has well hedged/vegetated boundaries to all points of the compass, although there are some gaps in the boundary to the north, the site is relatively well screened from view. There is an existing site office and weighbridge in the south-western corner of the site where the access track enters the main site.

To the north and north-east of the site the land is mostly comprised of gently sloping agricultural land which rises to the main A483 approximately 300 metres to the north. The nearest residential properties in this direction include the properties within the Talyclun 'estate' approximately 350 metres to the north-north west, and the Tal Y Clun Isaf farm/residential property and nursery, approximately 280 metres to the north-west. There are also various individual properties to the north, alongside the main A483. To the east there are no properties and the land is mainly estuarial banks sloping towards the Loughor River, the river being designated as an SAC/SSI and is approximately 400 meters east of the proposed site. There is also a railway line in between the site and the river, being approximately 60 meters east of the site boundary. To the south the situation is much the same and most of the land comprises estuarial flats with the river being approximately 500 meters to the south of the site. Immediately to the south west of the site there is further ground disturbed by coal mining activity, approximately 750 metres south-west of the site lie the rugby ground and the riverside industrial park, with additional housing located further to the west of the industrial park. Directly to the west there are residential properties on Pontarddulais road and the Maesydderwen Estate, being approximately 570 metres distant. There are also two schools to the west of the proposed site, approximately 750 metres distant.

THE PROPOSAL

The application proposes to install an inert waste recycling centre on land at the old Morlais Colliery, Pontarddulais Road, Llangennech.

It has been indicated by the applicant that they wish to process up to 50,000 tonnes of inert, construction and demolition waste per annum, this material will be imported/exported

by various different types of HGVs but mainly utilising 32 tonne artic lorries, in an attempt to reduce the number of lorry journeys. All loads of material will be accompanied by a certificate to confirm the material has been tested and is inert and suitable for recycling. On receipt of the materials to be recycled, the material will be sorted and segregated depending on the type of waste and any material which requires further physical treatment will be transported via the internal haul roads to the crusher and screening plant, this equipment will be located roughly 100 metres to the north-east of the site office. The crushing and screening plant will produce material of different grades, depending what is in demand, the finished product will either be loaded up onto lorries and taken from the site immediately or it will be taken further east again to the flatter area indicated as a stockpiling area, as indicated on plan IR16070, 001 Revision B '*Proposed Site layout Plan*'.

Access to the site will be gained from the existing private access, as mentioned in the site description. The proposal includes measures for cleaning lorries prior to them using the public highways network, these measures will be located adjacent to the site entrance/weighbridge at the base of the access track.

The applicant has also detailed numerous standard measures to help reduce noise and dust emissions from the site, including a site speed limit of 10mph to help reduce noise and fugitive dust from the site, limiting drop heights when feeding material into the screeners and crushers to help minimise dust, water suppression fitted to any crushing or screening equipment. Measures will also be taken to ensure that any equipment on site is maintained so as to ensure there are no squeaky belts or worn parts that would make the machinery noisier.

The applicant has submitted various drainage details which include the provision of a cut off ditch and clay bunding around the southern perimeter of the site, in order to prevent silt laden surface water run off finding its way into the River Loughor SAC/SSSI. Surface water run-off will be directed by this ditch to numerous swales and soakaways, including the existing settlement pond which will be enlarged and dredged to increase its capacity. The applicant has also submitted planting details for the re-enforcement of the northern boundary of the site, which currently has some gaps allowing views into the site from the estate to the north. Proposed working hours at the site are 08:00 – 18:00 hours Monday to Friday and 08:00 – 13:00 hours on Saturdays, with no working on Sundays and/or Bank Holidays.

PLANNING POLICIES

At the European level the Waste Framework Directive (2008) reinforces the use of the waste hierarchy and this should be applied as a priority for any waste developments, this hierarchy prioritises developments in the following order of importance; prevention and re-use, preparing for re-use, recycling, other recovery, e.g. energy recovery and finally, the least desirable, disposal. The proposed development would count as a recycling operation the definition of which is as follows:

'recycling' means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations; (EU Waste Framework Directive Article 3, para 17)

At the National level the Welsh Government has produced a 'Sector Plan' for Construction and Demolition waste, adopted in November 2012. This forms part of a suite of documents which all make up 'Towards Zero Waste' (2010). This document sets out requirements for waste management and provides the guidance criteria for informing planning decisions relating to waste sites. The sector plan for Construction and Demolition waste has set out various targets to help reduce waste arising in this sector and to increase recycling rates. These include a minimum of 70% recycling for C & D waste (by weight) by 2015/16 and a rate of 90% recycling by 2019/20. In an attempt to achieve this, the plan states that the more easily recyclable materials need to be recycled at a higher rate – this includes aggregates. The plan cites an ambitious rate of 98% recycling by the years 2019/20 for aggregates.

The most up to date information for Construction and Demolition waste is contained within Natural Resources Wales report 'Survey of Construction & Demolition Waste Generated in Wales 2012'. This data has been used in the South West Wales Waste Planning Monitoring Report 2016- (note – whilst the report is dated after the NRW report, the data used in the monitoring report is mostly the same data as that used in the NRW report). The regional monitoring report highlights that the predominant waste management method in SW Wales was land disposal. This differs from the other two Welsh regions where the predominant method was preparation for re-use off site. The main reason for this was related to the management of soils and stones (EWC 17 05 04) in SW Wales, whereby approximately 208 thousand tonnes was sent to land disposal, which accounted for 57% of the waste sent to land disposal in the region. Recycling was the second most common management method in all three regions, accounting for 31% of all the waste produced in the SW Wales Region

The preparation for re-use, recycling and other material recovery rate for the C&D waste generated in the SW Wales region was 56% in 2012. However, when excluding naturally occurring substances (EWC 17 05 04 - soils & stones) as done for the all Wales level in the 2012 Report, the figure rises to 67% and is comparable with the Welsh Government targets to increase preparation for re-use, recycling and other material recovery to a minimum of 70% by 2015/16 and 90% by 2019/20. Whilst the 2012 results indicate that the C&D sector is on course towards meeting these targets there is clearly some work to be done to ensure that the target of 90% (for preparation for re-use, recycling and other material recovery) for 2019/20 is achieved. In addition, there is no justification for 208,000 tonnes of natural resources such as soils and stones being disposed of to landfill rather than being recycled in the SW Region.

Planning Policy Wales (PPW – Edition 9) –is the overarching policy document for Wales, one of the main aims of this document is to ensure development within Wales is sustainable; the minimisation of waste and the provision of adequate waste facilities is a key component of this. In order to help achieve this, the waste hierarchy is a key principle to be applied to any waste management developments. The Nearest Appropriate Installation Concept and the principle of self sufficiency are also two key principles in helping to achieve the goal of sustainable waste management.

Technical Advice Note 21: Waste (TAN 21) adopted in February 2014 reinforces the vision of PPW for sustainable development and for sustainable waste management via land use planning. This can be achieved by driving the management of waste up the hierarchy and ensuring provision of an adequate network of facilities, whilst ensuring that the impacts of waste management facilities are minimised through appropriate location and type of

facilities at the same time recognising the economic and social benefits that management of waste as a resource can have.

The TAN re-iterates the importance of applying the waste hierarchy to proposals for waste management in order to try and achieve a more sustainable form of waste management.

The TAN also expands upon the treatment of construction and demolition waste and even suggests that where 'there are longer term prospects for a sufficient and economic supply of demolition and construction waste from an appropriate catchment area' authorities should consider suitable locations for 'urban quarries'. These 'urban quarries' could provide a long term permanent facility for the processing and storage of C & D waste, where there is an economic supply of this material available.

Both Minerals Technical Advice Note 1 (Aggregates) and chapter 14 of Planning Policy Wales encourage the recycling of suitable materials (such as road planings or construction waste) where possible in order to conserve the finite resources such as primary aggregates.

The Well-being of Future Generations Act (Wales) 2015 imposes a duty on public bodies to carry out sustainable development. Well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language, and
- A globally responsible Wales

"Sustainable development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

The Environment (Wales) Act 2016 received Royal Assent in March 2016 and has been designed to complement the Wellbeing of Future Generations (Wales) Act by applying the principles of sustainable development to the management of Wales' natural resources.

The Act puts the ecosystem approach into statute through a set of Sustainable Management of Natural Resources (SMNR) principles, which are based on the 12 principles (Ecosystem Approach principles) contained in the UN Convention on Biological Diversity (CBD).

The Environment Act enhances the former NERC Act duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities must also seek to "promote the resilience of ecosystems".

This new duty under Section 6 of the Environment Act came into force in May 2016 and replaces the biodiversity duty in the Natural Environment and Rural Communities Act 2006 (referred to as the NERC Act) which required that public authorities must have regard to conserving biodiversity.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the development plan unless other material considerations indicate otherwise. The development plan for the purposes of Section 38 is the Carmarthenshire Unitary Development Plan. The principal policies in this case are as follows;

Policy SP 1 – Sustainable Places and spaces – this policy looks to encourage proposals that reflect sustainable designs, particular relevance to this policy would be Part B which promotes the efficient use of land, including previously developed development sites.

Policy SP 12 - Waste Management - of the LDP is the strategic policy for waste management in the county and highlights the need for an integrated approach to waste management in the county. It also reinforces the use of the waste hierarchy in development management, along with the proximity principle – dealing with waste as close to the source as possible to reduce travelling.

Policy SP14 - Protection and Enhancement of the Natural Environment - of the LDP examines the natural environment and states that development proposals should seek to protect, and wherever possible enhance the County's natural environment. Any development should give due consideration to areas of nature conservation value, the countryside, landscapes and coastal areas.

Policy TR3 Highways in Developments - Design Considerations – this policy has various criterion to be considered, the most relevant criteria to this proposal would be those relating to parking and access standards. Criterion C states that development proposals shall include measures for appropriate parking in accordance with required standards, criterion e of this policy states that access standards should be reflective of the class of road and any speed restrictions, including any visibility splays and design feature/calming measure needed to ensure highway safety and ease of movement is maintained/enhanced. Furthermore, proposals should not generate unacceptable levels of traffic on surrounding road networks, be detrimental to highway safety or cause significant harm to the amenity of residents. Proposals will only be permitted where the capacity of the network is sufficient to serve the proposal, developers may be required to facilitate appropriate works as part of any grant of planning permission

Policy GP2 - Development Limits – this states that development limits are defined for various settlements (growth areas, local service centres etc) and proposals within these defined development limits will be permitted, subject to the policies and proposals of this plan, national policies and other material planning considerations. Para 6.1.15 of the LDP states that not all land within the plan area is identified for a certain use or covered by specific policies, significant areas of land can appear unannotated on the plan. Any development proposals on land not identified as any particular land use or covered by policy will be considered on their individual merits weighed against the provisions of the LDP.

This has been covered earlier in part B of Policy SP 1 of the LDP and promotes the efficient use of land, including previously developed sites.

Policy EQ4 Biodiversity – This policy states that any development which will an adverse impact on any priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation will not be permitted except where it can be demonstrated that; any impacts can be satisfactorily mitigates, minimised or

managed to include net enhancements and where there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity interest of the site and where alternative habitat provision can be made to maintain and enhance local biodiversity.

MPP1 Minerals Proposals – This policy is also a criteria based policy and states that proposals will be permitted where they would not result in significant adverse impacts upon public health, the environment, local amenity and the local transport network.

MPP5 Aggregate Alternatives' this states that proposals for operations which facilitate the use of secondary aggregates or recycled materials by the construction industry will be supported at appropriate locations

Policy WPP2 – Waste Management Facilities Outside Development Limits – This policy states that proposals for waste management, not considered under policy SP 12 or WPP1 (Nantycaws facility) will only be permitted where there would be no significant impacts on the environment, human health, local amenity and the local transport network. Proposals should also demonstrate how the waste hierarchy has been adhered and how the proposal accords with the other policies and provisions of the LDP. Any proposal should also incorporate good design to minimise visual impact and include an appropriate scheme for beneficial restoration and aftercare of the site.

Policy EP1 Water Quality and Resources – the main objective of this policy is to ensure that development proposals will not lead to a deterioration of either the water environment and/or the quality of controlled waters. Any watercourses will be safeguarded through buffer zones to protect water quality, habitat etc. This policy also highlights the importance of protecting the Burry Port Inlet SAC/SSSI and the adoption of a precautionary approach to development that may affect it.

Policy EP2 Pollution would also apply – this policy seeks to minimise the impacts of pollution from any development proposal, new developments will need to demonstrate that they do not conflict with National Air Quality strategy objectives, do not cause a deterioration in water quality, ensure that light and noise pollution are minimised, where appropriate, and ensure that any risks arriving from contaminated land are addressed, through appropriate land investigation and suitable remediation where required.

Policy EP3 Sustainable Drainage 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.

Policy EP6 Unstable Land - In areas where land instability is known, any development proposal must be accompanied by a scoping report to ascertain the nature of the instability.

Where instability cannot be overcome satisfactorily, there will be a presumption against development. Where there are grounds for believing that active or potential instability that would affect a proposed development could be overcome in an environmentally acceptable manner, any planning application must be accompanied by a stability report

Annex C of TAN 21 - 'Waste' sets out specific planning considerations to be taken into account when dealing with planning applications for all waste facilities which cover broadly the same issues as the policies outlined above. Taking each issue in turn;

Atmospheric Emissions

This relates mainly to emissions, pathogens, toxins and/or hazardous gasses, the release of such emissions are controlled under environmental permit and this is regulated by Natural Resources Wales. Local Authorities Environmental Health team are also involved where a statutory nuisance can or has occurred. The proposed development will deal with inert waste only, hazardous materials will not be processed on site, if hazardous waste is inadvertently accepted this will need to be removed by a licensed waste carrier, in line with NRW regulations. Whilst it is acknowledged that dust emissions have the potential to occur from the site these will not contain any chemicals/pathogens as the material to be processed is inert only. Dust emissions will be dealt with in a separate section.

Birds and Vermin

Birds and vermin usually only become an issue when organic waste is being processed on site, in the case of this proposal organic waste will not be processed so a bird and/or vermin problem is not anticipated in this instance.

Dust

Operations at the site undoubtedly have the potential for dust generation, through numerous sources, including; the formation of and adding to stockpiles on site, through the use of vehicles on site which also have the potential to carry dust further afield and on to the public highways, general movement of product around the site and the use of the crusher and screener. Crucially, the crusher/screener will be subject to stringent legislation under the environmental permit regulations and any plant on the site will need to have gained an environmental permit from the authority. These environmental permits set out strict and specific standards for various measures of air quality and are monitored to ensure compliance with the prescribed limits. The applicant has stated that a number of dust suppression methods will be employed on the site to minimise the occurrence of fugitive dust from the site, these measures include;

- A road sweeper to be employed on any haul roads, wet spraying of haul roads during dry weather
- A 10mph speed limit within the site
- Spraying of stockpiles during dry weather
- No vehicle exhausts shall point in the horizontal direction
- Minimise drop heights of material and sheeting of lorries
- The selective siting of stockpiles to minimise fugitive dust
- Any crushers operating on site will require an environmental permit which will specify its own various conditions relating to dust emissions from equipment.

There is also a relatively large separation distance between the development and the nearest residential properties, the nearest properties being approximately 330 meters to the north and north-west (the Talyclun estate and Talyclun Isaf). Coarser particles of dust will generally have fallen out by 100 metres from source, given the inert nature of the material any particulate matter should not contain heavy metals or other chemicals. It is also worth noting that the prevailing wind direction (generally south-westerly) would tend to blow dust particles away from the larger centres of population in the west towards the motorway and more sparsely populated areas in the north-east. The Head of Public Protection has been consulted on the application and has raised no concerns with regard to dust and the potential for dust to become a nuisance. Given the numerous measures

for dust suppression outlined by the applicant the Head of Public Protection does not feel that dust would be a problem if these measures were implemented. It was also suggested that conditions be put in place to ensure that the measures outlined in the various documents relating to dust control are carried out at all times.

Hours of operation

The hours of operation, as suggested by the applicant are as follows, Mondays-Fridays 08:00-18:00 hours and 08:00 – 13:00 on Saturdays, there will be no working on Sundays or bank holidays. The suggested hours are relatively standard for industry of this type (slightly later start in fact) and would not be considered excessive.

Land instability

The site is located within a 'Development High Risk Area' as defined by the Coal Authorities development management maps, in light of this a full Coal Mining Risk Assessment was submitted by the applicant. This risk assessment identified numerous old coal workings including 4 mine entries either within the site boundary, or within 209 metres of the site boundary, 3 of these have no treatment details, one of the entries was treated with a 1.4 metre concrete seal after a collapse in 1983. Following a request for further information from the Coal Authority ground investigation works were carried out and a series of trial trenches were dug in order to try and establish the exact location of any shafts, and any remedial measure that had been carried out. A total of 7 trenches were dug, 5 of which were in the area of shaft 257202-024 with 2 being dug in the area of shaft 257202-023. The mine abandonment plan for the colliery was also submitted in an attempt to further identify the location of any abandoned mine shafts.

The ground investigations revealed a possible shaft cap/concrete pad, 5m X 5m and 0.6 metres in thickness, in trial trench 5, approximately 15-20 metres south east of the existing site access road. This shaft cap is close to the mapped position of shaft 257202-023 as shown in the Coal Authority report, 51001187180001. Trial trench 4 also revealed a concrete slab, more likely associated with an historic building as opposed to a mine shaft cap. Given the distance of the potential shaft from the access road, and the depth to rockhead (approx a maximum of 5 metres below ground level) it is considered that the potential collapse zone would be unlikely to extend to the existing/proposed access track. Therefore it is considered to be of low risk, if further development is proposed between the access road and the possible shaft, further investigative works could be commissioned.

There has been some difficulty in identifying shaft 257202-024, which was shown in the Coal Authority report, numerous trial trenches were dug in an attempt to find this shaft but no evidence of this shaft, or any capping has been found. However, the report noted that a section of this area was inaccessible due to a series of hoppers on the site, but extensive works were carried out around these and no evidence of a shaft found. Taking this into account, and the shallow depth of made ground to the rock head, it is considered that there would be limited potential zone of collapse associated with this shaft (if indeed there is a shaft). Following further consultation with the Coal Authority they were still not satisfied that this shaft could not be located and have requested further information again so that the location of this shaft can be confirmed (or the fact that there is no shaft). In April 2017 further trial pits were dug and a surface strip, of 15 metres radius of the postulated position of shaft 257202-024, the strip revealed made ground and part of a concrete pad but no evidence of a shaft was found. This further information was submitted to the Coal Authority who suggested a pre-commencement condition of further intrusive

site investigation – this was based on permanent structures and/or buildings being present on site. However, it has since been confirmed that there will be no permanent structures or built development on site (in the revised phase 1 – Assessment of land quality/desk study – dated July 2017), given the proposed land use the Coal Authority consider that the risk of ground instability is low.

Life time of the site

This is more often a consideration with landfill operations where a final restoration/landform is being worked towards as part of the permission. The proposed development is for an inert recycling centre there is no final restoration plan needed for the site as there is no proposed change to the existing landform therefore time limits with regard to the cessation of operations at the site are not a key consideration. When operations cease at the site the removal of any plant/buildings and stockpiles etc can be enforced by condition and the site will be restored.

Litter

Again, this is more of an issue linked to landfill sites where windblown litter can cause problems; the site will be accepting inert waste only, any domestic litter i.e. from employees etc will be dealt with by bins etc.

Nature and Archaeological Conservation

The site is not within the boundary of any designated sites for ecological or archaeological conservation importance, the applicant has carried out and submitted a phase 1 habitat survey. This survey reveals that the site is of moderate ecological importance, one protected species was found to be present on the site, the common lizard. It has been recommended that before operations commence at the site a further survey be carried out, if it is not the correct time of year for this an alternative would be a destructive search for these lizards being carried out in the presence of a qualified ecologist. Prior to this search temporary refugia will be established to try and trap any lizards and remove them from the site to a suitable location. Following this certain hotspot areas will be fenced off using reptile proof fencing to prevent any in-migration of relocated reptiles back onto the site.

The western and eastern boundaries have been identified as mature, species rich hedgerows (but are not considered to be important hedgerows under the hedgerows regulations 1997) and have the potential to support a resident bat population. The application does not propose the removal of any trees or hedgerow so the operations should not have an impact on this hedgerow or the foraging habitat for any bats present. The survey has also revealed the presence of Japanese Knotweed on various locations at the site and as such, a Japanese Knotweed control statement has been submitted with the application and this will seek to contain and treat any Japanese Knotweed present on site to prevent its spread.

Whilst the site itself has no designations the site is within close proximity (approx 180 metres north-west) of the River Loughour SAC/SSSI which forms part of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) which collectively comprises of the Carmarthen Bay and Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and the Burry Inlet Special Protection Area and Ramsar Site. Water quality is a key feature for the SAC and SSSI and it is therefore a key consideration as to whether or not the development could impact upon the water quality of the SAC. There

are 4 documented mine entries on site and there are also areas of identified contaminated land/soils on site that could potentially impact upon the SAC if areas of contamination are disturbed. The contaminated land officer for the Council has been consulted and has suggested numerous pre-commencement conditions be attached to any permission (see attached suggested conditions); briefly, these include:

- A desktop study (Preliminary Risk Assessment) shall be submitted to and be approved by the Local Planning Authority (if any excavations are required)
- A detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
- Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination.
- If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority.
- If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.
- Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.
- A copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual [topsoil must be approved in writing by the Local Authority prior to importation].

It is felt that the above conditions would be more than adequate to ensure that if contamination is found on the site (that could be potentially damaging to either users of the site or the environment) it could be dealt with in a manner that would minimise any potential impact upon the SAC/SSSI.

Surface water drainage from the site will be contained on the site by a clay bund which will retain the water on site, this retained water will also be used for wheel washing and water suppression/cooling for the crusher/screeners on site. Where possible any water used in the plant or in the wheel wash will be directed back to the 'retained water' pond, this pond will need to be dredged from time to time in order to ensure it is still effective. Combined with the clay bund (1.8metres in height and 2.0 metres thick at the base) it is considered that the likelihood of polluted surface water flowing directly into the River is low. Some of the retained water would drain away from the site through percolation. However, this is currently the case with the site and as the proposal would not involve the importation of hazardous/chemical waste, it is unlikely that the proposal would have any adverse impacts over and above any potential impacts from the current surface water drainage regime that exists on the site.

Noise, dust and vibration from site operations would also have the potential to impact upon the SAC/SSSI and any species. However, given the separation distance between the site and the boundaries of the SAC it is unlikely that there would be any adverse impacts relating to dust, noise and vibration. There is an existing railway line between the proposed site boundary and the SAC and it is unlikely that any noise or vibration from the proposed operations would have an impact on the SAC over and above any impacts already experienced due to the railway line. There is potential for dust impacts but taking into account the dust minimisation measures suggested by the applicant, as previously detailed, if these are adhered to the dust emissions should not have an adverse effect on the designated sites.

Following the Test of Likely Significant Effects carried out by the Council Ecologist, it was concluded that whilst the development would pose potential adverse effects it is felt that these effects can be mitigated for by adopting various conditions (as outlined by the Council's Ecologist and Contaminated Land officer) in light of this it is considered that the development would not conflict with the aims and objectives of the Environment Act 2016. NRW have been consulted on the TLSE and following lengthy negotiations are prepared to sign off the TLSE. Some minor amendments to the TLSE are required (including removing any references to impermeable surfaces) and an amendment to the contaminated land conditions, whereby, the preliminary risk assessment will only be required if excavations are proposed, not prior to the commencement of development. NRW have agreed in principle to sign off the TLSE, once these amendments have been made. However, at the time of writing the TLSE has not been amended and signed off by NRW.

Archaeological Heritage

Following the initial consultation with Dyfed Archaeological Trust they identified numerous heritage assets within the application area, including a lime kiln, tramways and an engine house. However, following further site investigations by the applicant it was apparent that these features have already been destroyed and/or removed, (prior to the applicants occupation of the site) following this new evidence DAT withdrew their request for a 'rapid historic environmental appraisal'. There are no other historic or archaeological assets on the site and it is considered that the proposal would not have any adverse impacts on archaeological conservation.

Noise

There are numerous sources of noise from the proposed operations, this includes the crushers, screeners, any dumpers moving material around on the site and the delivery vehicles bringing material to and from the site. The site is located in an area that is already subject to a substantial amount of noise and the submitted noise impact assessment report revealed a range of an already high background noise level (between 56.1db and 63.7db) at the numerous receptor locations (detailed in the report). The report has been carried out in accordance in BS 4142:2014, 'Methods for rating and assessing industrial and commercial sound'. Section 5.2 of the report is an assessment of combined noise levels (from on-site operations).

The findings of this survey highlight that the biggest increase in noise, resulting from on-site operations will be approximately 1.7db above the existing sound levels that were monitored during the compilation of the report. The rest of the monitored sites will experience a very small increase in sound, most of the points being below a 1db increase

(except for two locations which would be 1.2db above current sound levels). Taking this into consideration it is evident that the noise impact from the proposed development would be relatively limited.

The report also takes into account contributions of H.G.V. movements to and from the site.

The report predicts 7 vehicular movements in and out of the site per hour. There is potential for this to cause a disturbance to properties along this route, especially at R04, Talclyn Isaf. It states within the above mentioned report that the predicted noise level of the site operations and vehicular movements will be 3dB above background noise levels at R04. Taking this into account, site opening times have been suggested as conditions which ensures that operations at the site will not start before 08:00am. It is also noted that highways have suggested the following condition

HGV movements from the site shall be restricted, Mon-Fri only, to between the times of 09:15 and 16:30.

Whilst this condition was initially intended to reduce traffic impacts by limiting HGV traffic during peak hours it would also help with any potential noise impacts as it would mean that HGV traffic would start at a later time and finish earlier, this would help to reduce any of the potential noise impacts from lorry movements to less disruptive times.

The Head of Public Protection has been consulted on the application and has highlighted the potential impacts on the receptors, due to noise impacts from HGV movements and have suggested numerous conditions regarding opening hours and ensuring plant is efficient and has functioning silencing equipment, amongst other things. If noise were an issue on the site (as a result of complaints) the operator would need to commission a noise assessment, if this revealed that noise levels were higher than they should be then mitigation measures would need to be employed. It is felt that the condition suggested by the environmental health officer would be sufficient to ensure that impacts resulting from noise would be kept to a minimum. Or, if there were any impacts the necessary conditions would be in place to ensure that the Authority would be able to check noise from the site, and if it was excessive, be able to ensure mitigation measures be put in place.

Odours

Odours usually only become a problem when organic or putrescible wastes are involved, as the proposal is for inert waste recycling only it is not considered that odour would be a problem with this proposal. The Environmental Health department have not raised any concerns with regard to potential impacts relating to odours.

Protection of Surface and Groundwater

There is currently no positive drainage at the site and any surface water run-off from the site drains from the site via natural infiltration and there are no dedicated surface water controls to deal with run-off. The site operators have erected a clay bund (using clays of low permeability) along the southern boundary of the site, the bund is 1.8 metres in height and 2 metres in thickness and is designed to retain any surface water run-off on the site. Water from this area of retained water or pond will be used as water suppression and cooling for the plant on site and will also be utilised for the proposed wheel wash (power washer). Water from the plant and wheel washing area will be directed back towards this pond area to be re-used, the pond will need to be periodically maintained/dredged to

ensure effective function. The applicant has calculated that the area of retained water would be able to hold approximately 7916m³ of flood water at 1 metre depth. The catchment area run-off from around the site has been identified at 17.75 hectares and after running it through micro drainage software in a 100 year event the greenfield water runoff volume would be 1313.237m³ - significantly lower than the levels which the site can comfortably contain. Therefore, there should be no flooding issues related to surface water runoff and any water will be recycled where possible so in this regard the proposed drainage system can be seen as making a contribution towards sustainable development by making the most of the resources available and reducing the demand on primary resources.

Over time some of this retained water will drain into the ground below, by infiltration, as is currently the case with any retained surface water on the site. As mentioned previously there is a concern for potential contamination of the groundwater due to the past uses of the site and the potential for leaking of chemicals into groundwater. Appendix 2 of the 'The Assessment of Land Quality' report submitted with the application highlights that site is mostly on secondary and unproductive aquifers (superficial geology) the underlying bedrock geology is mostly comprised of secondary A aquifers. There are no abstraction licenses within close proximity of the site, no source protection zones and no potable water extraction licenses. Therefore, whilst there may be potential for contamination of groundwater at the site the aquifers are not of high importance and there are no abstraction licenses/points that would be affected, if contamination were to occur. However, as highlighted previously the contaminated land officer has suggested numerous conditions relating to contaminated land (including a preliminary risk assessment to be carried out if any excavations are to occur). If there is potential for contamination of groundwater identified then it is possible that mitigation methods could be employed to reduce any risk of contamination, any surveys may reveal that there is limited or no risk of contamination resulting from the proposed operations at the site.

Flood risk

The site is at the edge of C2 flood zone, as defined by the development advice maps, referred to under TAN 15, Development and Flood Risk (July 2004) this flood map identifies the site as being on the edge of zones 2 and 3, as such a Flood Consequence Assessment has been submitted with the application. The assessment advises that any development should only be carried out on land over 7.25 metres AOD, NRW have been consulted on the application and they have raised no objections to this approach and are satisfied with the flood consequence assessment carried out by the applicant.

Reinstatement of the site

Reinstatement of waste sites mainly apply to landfill sites where detailed restoration and aftercare plans are required to ensure that the land is left in a safe condition. The proposed development will not be filling in land or excavating large amounts of material, should use of the site cease there would be minimal requirements for restorations and/or aftercare. Conditions can be imposed to ensure once operations of the site have ceased any buildings, plant and/or machinery are removed. Conditions can also be imposed to ensure that hard surfaces and/or roads are removed and the surface underneath ripped to ensure a good substrate for the natural regeneration of the site. It is considered that the inclusion of suitable restoration conditions to any permission would help to ensure that the site can be restored to a satisfactory standard.

Transport and Access

Many of the objections received regarding the application have highlighted that the access to the site is inadequate and any increase in traffic (particularly H.G.V's) would lead to an increase in danger for both users of the highway and for pedestrians. The applicant provided a Transport Statement which highlighted projected trip generation which would result from the development if permitted, this is re-iterated below:

- **Trip Generation Assumptions and Forecasts**

50,000 tonnes pa. Over 275 working days (5.5 days per week over 50 weeks)
Equates to 182 tonnes/day

Material In (182 Tonnes/ Day) delivered in Lorries and skips with 5-10 tonne payload
*(assumed average of 7.5 tonnes)
Equates to 24 deliveries - 48 movements per day

Material Out (182 Tonnes / Day) – processed material bulked up and taken from site by
20 tonne vehicles
Equates to 9 deliveries – 18 movements

4 staff (2 movements each)
Equates to 8 movements per day

Therefore, TOTAL number of movements per day equates to 74 (66 HGV)
This is less than 1% of the existing 25,740 daily vehicle movements on the A4138.

'Acstro' explain in the TS, that the assumptions forming the basis of their traffic forecasts result in an overestimation of vehicle movements for the following reasons:

- The forecasts assume material will be imported to site in 7.5 tonne Lorries and exported from the site in 20tonne Lorries. In reality material will be transported in 44 tonne Lorries, 32 tonne roll on / roll off Lorries and 18 tonne skip Lorries.
- No allowance has been made for back-loading. All vehicles delivering materials to the site are assumed to be departing empty and all vehicles exporting materials from the site are assumed to be arriving empty. In reality the site operator and hauliers will look for opportunities to reduce the number of empty load movements and consequently reduce costs.

Taking the above into account it is considered that the proposed development would not result in an unacceptable increase in traffic, given the above figures, which represent only 1% of the existing daily traffic movements on the A4183. Given the fact that the predicted traffic movements are also a 'worst case' scenario, and in reality larger lorries will be used and back loading is also likely to be utilised (this is a realistic expectation as companies will be looking to save money on haulage costs and where possible travelling empty is avoided) it is likely that the above figures would actually be lower.

There are also concerns as to whether the additional traffic movements from the site will cause issues at the junction where the B4297 meets the A4138 (known as the Talyclun lights - the site is accessed from a cul-de-sac that exits the B4297 south of the Talyclun Lights), concerns have also been raised about congestion at the M4 Junction 48. As part

of a wider project the Highways Authority have recently engaged Atkins to carry out Traffic Modelling works, taking in the A4138 and the B4297, at the request of the Highways Authority Atkins have also taken into account the proposed development as part of their modelling work and have reviewed the Transport Statement submitted by the applicant. The findings of this modelling work suggest that the trips forecast for the proposed development would have a minimal impact on the operation of the Talyclun lights and the M4 junction.

However, the report did reveal that the A4138/B4297 corridor currently operates significantly above capacity during AM and PM peak periods with long queues along the A4138 and queues on the B4297, extending beyond the proposed site access junction. This traffic during peak hours could cause potential problems with regard to existing traffic on the B4297 blocking HGV traffic from exiting the site access junction. As a consequence, this could lead to any HGV's exiting the site without being able to fully clear the southbound B4297 carriageway. Any HGV's straddling the carriageway would eventually block traffic from exiting the A4138 signals on to the B4297 itself, potentially significantly impacting on the safe operation of the junction. Whilst this is a potentially serious issue it was not felt that this would be enough to warrant an objection to the application on highways grounds, instead, it was suggested that numerous conditions could be imposed which would help to ensure that problems did not occur at these key junctions during peak times. The conditions are highlighted below

1. HGV movements from the site shall be restricted, Mon-Fri only, to between the times of 09:15 and 16:30.
2. The maximum permitted total combined number of HGVs movements (to enter and leave the site) in any one day period, shall not exceed sixty (60).
3. No vehicles shall enter the public highway unless their wheels and chassis are in a clean condition.

It is considered that the restriction of HGV movements outside of peak hours should address the concerns raised regarding the functioning of the junctions at the Talyclun lights and the M4 junction, during off-peak hours the traffic would not be great enough to lead to blockages of the junctions. The applicant has provided details with regard to a wheel wash and it is considered that this wheel wash, and the haul road from the site, which is a considerable length before it joins the public road will help to ensure that deleterious materials will be shed from the lorry before it enters onto any public roads. In summary, whilst the proposal would obviously increase traffic on the road, this is relatively small in terms of percentage of all traffic on the road. It is considered that the above conditions would adequately control any potential impacts on the safety of the road network, a comprehensive modelling exercise has been undertaken and has recommended that highway impacts would be minimal with the above conditions attached, the conditions are therefore considered to be acceptable.

Visual impact

The site is situated in an area of low ground, the visual receptors surrounding the site (for example motorists on the M4, the A4138 and residents of the Tal Y Clun estate) are mostly on higher ground so look down on the site. There will be no big structures on the site, the site office is a relatively low, small building and is the only proposed building on the site. There will be various items of plant which will potentially have a visual impact on

the surrounding area, this includes the crusher/screeners and any diggers/dumpers that maybe on site. To the east of the site there will also be the proposed stocking ground where stockpiles of material will be stored ready for sale, these will also have the potential to cause visual impacts.

The northern boundary of the site (the boundary closes to the A4138 and the Talyclun estate) has an extensive screen of trees and shrubs, which are proposed to be retained (and this retention can be re-enforced via condition). These trees and shrubs, whilst being deciduous, do help to screen most of the site from view. The applicant has also proposed a hedge rejuvenation scheme to help plug up some of the gaps and thinner areas of this boundary, this will help to improve the screening offered by the northern boundary and minimise any visual impacts for receptors from the north of the site. The existing screen, combined with the proposed additional planting will greatly reduce the visual impact of any mobile plant on site.

The stockpile area to the east of the site would also be visible from the north, but mainly from the east, drivers on the M4 would be looking down on to the site and the stockpiles would be visible. However, drivers on the motorway would be travelling at speed and it is unlikely that the presence of these stockpiles would have an adverse visual impact. Additionally, conditions can be imposed on any permission granted to ensure that the stockpiles do not go above a certain height (generally 3 or 4 meters depending on the material) and this would help to keep visual impact to a minimum, there is some shrubbery and small trees to the eastern site boundary and in combination with the other factors mentioned this would mean that impacts on receptors in the east would be kept to a minimum.

To the south the land is mostly estuarial mud flats and fields and there are few receptors that could be affected visually, again there are also trees and shrubs to the southern boundary of the site that would help to screen the plant on site. Whilst there are some visual receptors to the west of the site these are approximately 500 metres from the site so views into the site would be relatively limited due to the distance and the vegetation along the western boundary of the site. The access track is not as well screened as the site with less shrubbery and lower hedgerows, however, the access track would only be used by passing vehicles there would not plant or buildings on or adjacent to the access track so views of the track would be limited to passing vehicles. The nearest public right of way to the site is approximately 330 metres to the north of the site and the path heads northwards, further from the site. Although there may be some glimpses of the site when heading south on the path the path terminates when it reaches the A4138 so visual impacts from the development would be relatively limited and confined to the southern section of the path.

In summary it is considered that whilst there is potential for visual impacts from the development these impacts would be mostly limited. There would be no large buildings on site, the site is naturally well screened by the existing trees and hedgerows, which are to be retained and enhanced through the hedgerow rejuvenation scheme and the height of any stockpiles can be controlled through condition, there is also a relatively low number of receptors to be impacted upon by the site. Taking all this into account it is considered that the development would not have an unacceptable visual impact, the proposed hedgerow rejuvenation scheme is welcomed and is more than sufficient to ensure the effectiveness of the natural screen of the northern boundary.

Other Issues

This application raises various other issues which are not covered above, including the contribution of the site to a more efficient recycling network within Carmarthenshire and the fact that the development is outside of the development limits, as defined within the Unitary Development Plan.

As highlighted in the policy sections South Wales as a whole is currently behind North Wales in terms of the treatment of construction and demolition waste and recycling rates, as revealed by the Natural Resources Wales survey of 2012. The report revealed that whilst preparation for re-use was the dominant waste management method in the South East (58%) and North (46%) regions, the South West is not performing as well with land disposal being the most common waste management method (39%) followed by recycling (31%).

Clearly then, there is room for improvement in the way that South West Wales deals with its construction and demolition waste and recycling of this material needs to be increased. This is not a case of 'can't somebody else do it', positive measures need to be taken within Carmarthenshire to increase the amount of this material that is recycled. This proposal would be an opportunity to help increase the amount of inert construction waste recycled within the county, and within the South West Wales region as a whole (which is the area covered by the waste annual monitoring reports).

It is acknowledged that the development is outside of the development boundary for Llangennech, however, given the nature of the operations it is unlikely that there would be many suitable parcels of land within the development boundary. Technical Advice Note 21 (Waste) provides guidance on factors to be taken into account when locating sites such as these, disused quarries/minerals sites are highlighted as a possible location for these sites. Section 3.27 of the TAN states that waste sites might be located, if appropriate, within or adjacent to;

- industrial areas, especially those containing heavy or specialised industrial uses;
- Active or worked out quarries - landfill is commonly used in quarry restoration but there may be opportunities for other types of waste management facilities at some quarried sites. It should be noted that quarry depth and the nature of the local water table will affect the feasibility of using such sites;
- degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use;

The proposal would be making use of derelict land, whilst nature had taken its course to some extent at the site the area has never received any designation and has largely been derelict. Therefore, whilst the site is outside of the defined development boundary it does meet with some of the criteria within the TAN. It is also in close proximity to transport routes in particular, the A4138 and the M4, this proximity to transport routes is another requirement of the TAN and is beneficial to the sites location for the proposed land use. In summary, whilst the proposal is located outside of development limits, contrary to policy GDC 32, it is considered that, given the nature of operations at the site it would be of more benefit to locate the development outside of the development boundary. By doing this it also matches criteria highlighted within the TAN for land uses of this type.

Does the proposal accord with the Wellbeing of future generations act?

The Well-being of Future Generations Act (Wales) 2015 imposes a duty on public bodies to carry out sustainable development. Well-being goals identified in the Act are:

- **A prosperous Wales**
The development would make a positive contribution to this element of the act as it would be helping to use resources more efficiently through increasing recycling rates.
- **A resilient Wales**
The development would also make a contribution to a resilient Wales by improving economic resilience in the area by providing extra employment and by ensuring the economic and sustainable use of natural resources
- **A healthier Wales**
The development has the potential to have negative impacts on the physical and mental wellbeing of people in the area but it is considered that with mitigation measures these impacts would be limited. However, the proposal would contribute to reducing the landfilling of inert waste which in itself has perceived negative health impacts.
- **A more equal Wales**
This element of the bill is not applicable to this particular planning application
- **A Wales of cohesive communities**
The development would not have a negative impact on the attractiveness, viability, security or connectedness of communities. The proposal includes landscaping measures to help screen the development and minimise any visual impacts, which may have affected the attractiveness of the community
- **A Wales of vibrant culture and thriving Welsh language, and this element of the bill would not be applicable to this particular planning application**
- **A globally responsible Wales**
The proposal would make a positive contribution to this as it would help to increase the work that Wales is doing to meet recycling targets, and ultimately reduce the impact that the country as a whole has on the environment.

Whilst some elements of the act are not applicable, the development would make a positive contribution to most of the other elements of the bill, the only potential negative being the section relating to 'a healthier Wales'. However, as discussed, the applicants have put forward numerous measures for dust suppression and impacts on health of the surrounding community should be limited, if any at all. On the whole the development would make a positive contribution to towards the relevant elements of the bill, as detailed above, and would not be in conflict with the aims of the act.

CONCLUSION

The aim of the TAN 21 and of Planning Policy Wales is to ensure that waste is dealt with in the most sustainable way possible, whilst also ensuring that there are no adverse impacts upon the environment or on residential amenity. The proposal provides an opportunity to deal with construction and demolition waste in a more sustainable way, pushing more of

these waste arising up the waste hierarchy. As demonstrated previously, this is one waste sector where South West Wales can improve their performance, and are not performing as well as other regions in Wales, therefore this proposal would provide a much needed opportunity for improvement in this sector.

However, this must be balanced against any environmental and social impacts that may occur as a result of this proposal, these have been considered in detail throughout the report. In summary, whilst dust is potentially a problem arising from site operations there have been numerous mitigation measures and conditions suggested to mitigate these impacts, the development has also been considered by the Head of Public Protection and no objections were raised.

Highways is another of the major issues raised by the objectors. Whilst the proposed development would lead to an increase in traffic and potentially cause problems with regard to previously mentioned junctions, models have been run for the Authority and these have not raised any issues. The Head of Transport has been consulted, and following the findings of the Atkins report has raised no objections to the development on highway grounds, but has suggested numerous conditions. With regard to the impact of the development on ecology in the area, more specifically the potential for the site to have adverse impacts upon the Burry Port Inlet SAC/SSSI this has been considered by the Councils ecologist who carried out a TLSE and found that whilst there is potential for the proposal to impact upon designated sites, this potential could be reduced to an acceptable level with the inclusion of various pre-commencement conditions.

Noise issues have been considered and whilst there is potential for noise generation to have an impact on residential receptors it is considered that the conditions suggested by the Environmental Health Officer (and the highways officer) would help to mitigate any potential impacts to an acceptable level. If noise does become an issue there are conditions which will mean mitigation measures will need to be employed by the site operator.

Contaminated land issues have been looked at in more detail and numerous conditions, involving further site surveys if excavations are needed, have been suggested, this should ensure that there are no adverse impacts relating to contaminated land and any contaminated run-off getting into the SAC.

In summary, the proposal is clearly beneficial in terms of the contribution it can make to recycling targets for Carmarthenshire and for the region. With regard to environmental and social impacts, all the statutory consultees have been consulted on the application and none have raised any objections to the development.

Local Planning Authorities must make determinations in accordance with the Development Plan unless any material considerations indicate otherwise. In this case, it has been demonstrated that the proposal does not conflict with the policies contained within the Carmarthenshire Unitary Development Plan. The potential impacts from this development would be acceptable and can be satisfactorily mitigated by conditions. Given the policy background and the lack of other material considerations that indicate that there would be adverse environmental or amenity impacts, there are no reasons which would justify a refusal.

In light of all the above the proposal is recommended for conditional approval, with any planning permission only being issued once the TLSE has been formally signed off by NRW, as noted in the section dealing with ecology.

SUMMARY REASONS FOR APPROVAL

In accordance with Article 3 of the Town and Country Planning (General Development Procedure) (Wales) (Amendment) Order 2004, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Carmarthenshire Local Development Plan 2015) and material considerations do not indicate otherwise. The policies, which refer, are as follows:

SP1 Sustainable Places and Spaces, SP12 Waste Management, SP14 Protection and Enhancement of the Natural Environment, GP2 Development Limits, TR3 Highways in Developments- Design Considerations, EQ4 Biodiversity, EP1 Water Quality and Resources, EP2 Pollution, EP3 Sustainable Drainage, EP6 Unstable Land, MPP1 Mineral Proposals, MPP5 Aggregate Alternatives, WPP2 Waste Management Facilities outside Development Limits

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 plans and reports submitted namely;
 - a) The Waste Planning Statement (dated June 2016)
 - b) The reptile mitigation strategy (dated June 2016)
 - c) The planning statement (dated June 2016)
 - d) Section 5 of the Ecological Assessment (dated October 2015)
 - e) The Invasive species treatment and control method statement (received 29/6/2016)
 - f) Noise and vibration assessment (dated October 2016) and all subsequent responses to enquiries from the Noise Officer
 - g) Drainage Strategy (dated November 2016)
 - h) Flood consequence Assessment Report (dated June 2015)
 - i) Method Statement (dated November 2016)
 - j) Email dated 27/2/2017 confirming that no additional hard standings are to be created
 - k) Location Plan (received 26/6/2016)
 - l) Proposed Site Layout Plan (job no. IR16070, Drawing no. 001, Rev B)
 - m) Proposed site layout plan (job no. IR16070, Drawing no. 002)
 - n) Hedgerow Rejuvenation' drawing number GEN/JE/183a/0012D dated July 2016
 - o) Phase 1 – Assessment of land quality/desk study, dated July 2017
3. The material to be imported for processing on site shall be inert material or material that does not contain any contaminants which would pollute controlled waters. The definition of inert materials is as follows:

Topsoil, subsoil, brickwork, stone set concrete, clay and silica (excluding finely powdered waste), glass, solid and granular dry materials free from any noxious, poisonous or polluting substance which does not decompose or for any which the environmental impact of decomposition is less than or comparable with that of topsoil and is virtually insoluble in water

4. The amount of imported material entering the site shall not exceed 50,000 tonnes per annum
5. From the date of this permission the operator shall maintain records of their monthly input/output and the types of waste processed and shall make them available to the Local Planning Authority within 14 days of any written request.
6. The use hereby permitted shall not operate other than between the hours of 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays and not at all on Sundays, public or bank holidays.
7. Vehicles shall not access and/or leave the site other than between the hours of 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays and not at any time on Sundays, public or bank holidays.
8. HGV (vehicles 7.5 tonnes and above) movements from the site shall be restricted, to between the times of 09:15 and 16:30 Mon-Fri. On Saturdays HGV movements shall only take place between 08:00 – 13:00 hours, no HGV's shall access/leave the site on Sundays, public or bank holidays.
9. The maximum permitted total combined number of HGVs movements (to enter and leave the site) in any one day period, shall not exceed sixty (60).
10. Wheel washing on site shall be carried out in accordance with the details in section 4.0 of the 'Method Statement' dated November 2016. The wheel wash shall be utilised to ensure that no vehicles shall enter the public highway unless their wheels and chassis are in a clean condition.
11. Should the wheel wash (detailed in condition 11, above) be ineffective at any time, resulting in deleterious material being carried onto the public highway, during the operational life time of the site, a revised scheme shall be submitted for the written approval of the Local Authority, along with any remedial measures to be put in place to clear the highway of any such material. Any revised scheme shall be implemented as approved and utilised during the period of operation of the site.
12. The development shall be carried out in accordance with the dust control measures outlined in the Method Statement dated November 2016.
13. No loaded vehicles shall leave the site un-sheeted except those only carrying stone in excess of 75 mm.
14. Processed stone shall normally be conditioned with water or proprietary conditioning agents and this shall take place at or before the point of discharge from any conveyor. Other appropriate measures shall include periodic conditioning with water or proprietary conditioning agents, according to weather conditions and the

fitting of dust covers to all external conveyors.

15. The use of hydraulic peckers at the site is not permitted at any time
16. The rating level of the noise emitted from the site operations at 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 Methods for rating and assessing industrial and commercial sound.
17. If the Local Planning Authority receives a complaint about noise that it considers to be justified, the operator shall within 28 days of the receipt of written request from the Local Planning Authority submit a noise assessment conforming to BS 4142 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development exceeds the level specified in condition 15 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that the limit of noise in Condition 15 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 15. The development shall then be undertaken in accordance with the approved details.
18. No vehicles shall remain idle on the site or the access road with engines running outside the permitted vehicle access times set out in Conditions 6 and 7 above.
19. The best practical means shall be used to minimise noise from reversing devices which are fitted to mobile plant and vehicles on site. This shall include the fitting of 'smart' alarms to vehicles.
20. All plant, equipment and other machinery used in connection with the operation and maintenance of the development shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in good condition in accordance with that specification at all times throughout the development.
21. Any facilities for the storage of oils, fuels or chemicals on the application site shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
22. All ditches and/or drainage channels on the site shall be retained, protected and maintained in working order and should they become blocked or cease to work effectively they shall be cleaned out to allow for effective functioning and subsequently maintained in working order
23. No additional hardstandings or impermeable surfaces shall be constructed on site unless planning permission is granted for such works.

24. Should any excavations be carried out on site, if required, for its development or construction or for the preparation of drainage infrastructure for its proposed end use, this course of action/works shall be outlined in a desk top study/ preliminary risk assessment report, submitted for the written approval of the Local Authority, prior to works commencing. Details shall include
- a) A desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
 - b) A detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
 - c) Detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.
25. If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted for the approval of the Local Planning Authority within 1 month of the contamination being encountered. The Revised Remediation Strategy shall be implemented as approved.
26. If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy' or as amended by any subsequent revised Remediation Strategy.
27. Any soil imported for use in a remediation strategy (if required by condition 25, above) must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.
28. Should soils need to be imported for remediation works, as specified by condition 25, above, any imported materials require the following validation
- a) A copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual

[topsoil must be approved in writing by the Local Authority prior to importation].

29. Any development (crushing/screening operations and stockpiling) should only be carried out on land over 7.25 metres AOD, as detailed in the Flood Consequence Assessment
30. Prior to the erection of any lighting on site, the details of such lighting shall be provided for the prior written approval of the Local Planning Authority.
31. The development must be carried out in strict accordance with the recommendations contained within Section 5 of the Ecological Assessment by Amber Environmental Consultancy dated October 2015, The Hedgerow Rejuvenation Plan, The Invasive Species Treatment and Control Method Statement by Sayonara Knotweed and the Reptile Mitigation Strategy by Amber Environmental Consultancy dated June 2016.
32. Within 1 month of the date of this permission a ground preparation and cultivation scheme for the proposed tree planting shall be submitted for the written approval of the Local Planning Authority. Following the written approval for this scheme the trees shall be planted in the next available planting season (*31 October in any one year and 31 March in the following year*) and in accordance with the approved plan ('Hedgerow Rejuvenation' drawing number GEN/JE/183a/0012D dated July 2016) and the approved ground preparation and cultivation scheme.
33. Trees, shrubs and hedges planted in accordance with the approved scheme ('Hedgerow Rejuvenation' drawing number GEN/JE/183a/0012D dated July 2016) shall be maintained and any plants which (within five years of planting) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.
34. The existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Local Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of such size and species as may be specified by the Local Planning Authority, in the planting season immediately following any such occurrences (*31 October in any one year and 31 March in the following year*).
35. The top surfaces of all tips, soil mounds and storage mounds shall be sloped at a suitable gradient to encourage surface water drainage and prevent ponding and erosion. The maximum height of all storage mounds shall not exceed 3m above adjacent existing ground level for topsoil and 4m in any other case.
36. The operator/landowner shall inform the Local Authority when operations cease at the site. Within 6 months of the cessation of operations at the site the site shall be left as shown on plan 'Proposed Site Layout Plan (job no. IR16070, Drawing no. 001, Rev B)' any hard standings, tracks or buildings shall be removed and their sites ripped to minimise compaction. Any plant and/or old machinery/waste shall be removed from site and there shall be no stockpiles of inert waste remaining on site,

any remaining inert waste shall be removed from site to a site licensed to accept the waste.

REASONS

- 1 Required to be imposed pursuant to section 91 of The Town and Country Planning Act 1990.
- 2,4 To ensure compliance with the approved documents and drawings.
- 3 The prevention of pollution of the water environment.
- 5,
- 9,10 In order that the effect of vehicle movements can be controlled and the impact fully assessed.
- 6-8,
- 15,17 In the interests of residential amenity.
- 29
- 9,10 In the interests in highway safety.
- 10-14 In order to ensure dust impacts are kept to a minimum.
- 16-20 To keep noise impacts to a minimum.
- 21-23,
- & 29 For the protection of the water environment.
- 24-29 To protect users of the site and the surrounding area from potential contamination issues.
- 31 For the protection of the environment.
- 32-35 To reduce potential visual impacts.
- 36 To ensure the site is left in a satisfactory condition.

NOTES

It is recommended that the applicant (or their agent) contacts officers in the Land & Air Team of Public Health Services to discuss the proposals in detail.

It is also advised that the applicant has regard to the information contained within the attached document "Land Contamination: A guide for Developers" which was produced by the Welsh Local Government Association/Environment Agency Wales working group.

These comments do not prejudice any Environmental Health enforcement action required as a result of the proposals, therefore it is important that any development does comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990.

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2010. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Please contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000, or use the link below:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/?lang=en>

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations/earthworks carried out in the vicinity of Network Rail's property/ structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker

and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works.

The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Application No	S/34402
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Application Type	Outline
Proposal & Location	DEMOLITION OF FORMER COPPERWORKS SCHOOL AND DEVELOP UP TO 9 NEW HOMES AT FORMER COPPERWORKS INFANTS SCHOOL, LAND AT MORLAN TERRACE, BURRY PORT, SA16 0ND

Applicant(s)	PEMBREY & BURRY PORT TOWN COUNCIL , MELANIE CARROLL-CLIFFE, MEMORIAL HALL, PARC Y MINOS STREET, BURRY PORT, SA16 0BN
Agent	DARKIN ARCHITECTS - DAVID DARKIN, 1 JOHN STREET, LLANELLI, SA15 1UH
Case Officer	Robert Davies
Ward	Burry Port
Date of validation	12/09/2016

CONSULTATIONS

Head of Transport – No objection subject to conditions.

Head of Street Scene (Land Drainage) – No response received to date.

Head of Public Protection – No objection subject to conditions.

Pembrey and Burry Port Town Council – It should be noted that Pembrey and Burry Port Town Council are in fact the applicant in this instance.

Local Members - County Councillor J James is a Member of the Planning Committee and has therefore made no representations.

As the application was registered in September 2016 prior to the recent local elections, the former local member County Councillor P E M Jones was consulted on the application. County Councillor P E M Jones made no comments.

Natural Resources Wales - No objection subject to conditions.

Dwr Cymru/Welsh Water – No objection subject to conditions.

Dyfed Archaeological Trust – Whilst promoting the retention and re-use of the building raise no objection subject to a condition requiring a photographic record.

Lee Waters (Assembly Member for Llanelli) - Has submitted two letters. The first letter dated 4th October, 2016 stated that he had received an enquiry from a number of constituents regarding the proposed demolition of Copperworks School in Burry Port.

His constituents are concerned that this is a building of historical importance that has been used successfully to host community groups, such as the local Scouts.

According to Ken Edwards, Burry Port Town Councillor, the school is no longer fit for purpose and it has been deemed unsafe by building inspectors. However, his constituents believe that money from European funds was secured to maintain the school.

He therefore asked for the redevelopment proposals with regard to Copperworks School to be investigated. There is an action group in Burry Port who want to do something positive with the building, given that they believe Burry Port does not have a suitable community hall. They would like to know if this is a viable option for the future of the building.

In his second letter of the 15th February, 2017, he advised that he had more recently met with Nia Griffith MP and representatives from Pembrey and Burry Port Town Council in order to find out more information regarding this application for planning consent. The representatives provided detailed information regarding the condition of the building, which confirmed what Councillor Ken Edwards had previously indicated.

Also, it was clarified at the meeting that contrary to what was stated in my previous letter, **no European funding had been received for this building**, although it was thought that potentially some grant funding had been obtained by Burry Port Town Band for sound proofing the other building on the site.

At the meeting, the Town Council representatives also explained the background regarding the action group (Regenerate our Copperworks Site) which had made an approach regarding alternative usage of the building. Mr. Waters was informed that this **group was given a considerable period of time to provide viable proposals but despite an extension of the original deadline, no meaningful progress was made with such plans.**

Neighbours/Public – The application was advertised by virtue of a number of site notices. To date eight letters of representation have been received objecting to the application on the following grounds:-

- Copperworks school is an important part of Burry Port's heritage and should be retained not demolished. Very little of the town's industrial heritage now remains. It was built by the Elkington's and Masons for the children of the workers of the copper works.
- The scheme is not in the interest of Burry Port's residents as demonstrated by a petition that was gathered locally which had over 500 signatures as referred to by the objectors.
- The high quality stone and copper slag boundary walls should also be preserved or at the very least incorporated into any new development scheme.
- The building should be re-used for community use. A voluntary body exists that plans to make the building a safe and useful facility at no expense to the Town Council and they should be given a genuine opportunity to do this. Local residents

have not been given an opportunity to establish a clear strategy for an alternative use that would save the buildings and continue their use serving the community.

- If the Town Council had spent a reasonable amount of money on the school over the years then it would still be in a serviceable condition, which would have benefitted the community as a whole.
- There is sufficient land allocated for residential development in the area
- There are supposedly tunnels under the school and copperworks that have been there for the past 100 years, and should be investigated to see if it would be feasible to open them up to the public.
- Concern over the replacement of the boundary between the site and the rear of properties at Woodbrook Terrace. A fence will not be as robust as a wall.
- Potential overlooking and loss of privacy concerns in relation to plots 6 and 9.

RELEVANT PLANNING HISTORY

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

LL/04339	Provision of a car park Full planning permission	11 July 2003
LI/02478	Erection of demountable building For school/nursery use Full planning permission	19 November 2002
D5/15604	Conversion of school and buildings To light industrial use Refused	2 September 1993
D5/15276	Conversion of school & buildings To residential plots on grounds Withdrawn	28 April 1993
D5/7753	Electricity consent Overhead lines	12 February 1985
D5/1815	One relocatable classroom Full planning permission	17 December 1976

APPRAISAL

This application is subject to a Section 106 legal agreement

THE SITE

The application site consists of the former Copperworks School site located at Morlan Terrace in Burry Port. The site which measures approximately 51m in width by 56m in depth is surrounded by residential properties at Morlan Terrace to the north and west, Woodbrook Terrace to the east, and Burrows Terrace to the south. An existing children's playground abuts the southern boundary of the site at Burrows Terrace.

The original Copperworks School building which is shown on the Authority's historic maps of 1876 to 1890 occupies a central position within the site. A later annex building which is

shown on the Authority's historic maps of 1898 to 1907 occupies a position in the north eastern corner of the site on the boundary with the rear of properties at Woodbrook Terrace. Both buildings are single storey in nature, have a mixture of brickwork and render to the walls, and a mix of slates and corrugated steel sheeting to the roofs. The boundaries of the site are defined by stone and copper slag boundary walls.

THE PROPOSAL

The application seeks outline planning permission with all matters reserved for the demolition of the existing buildings located on the application site and the construction of up to 9no. dwellings. An indicative site plan submitted with the application depicts three separate terraces of three two storey properties with a centrally located estate road. Two of the terraces front Morlan Terrace to the north, whilst the third terrace fronts the playground at Burrows Terrace to the south.

In addition to the required drawings, the outline planning application itself has been accompanied by the following supporting information:-

- Design and access statement
- Bat Survey
- Foul and surface water drainage report
- Planning justification statement

PLANNING POLICY

Local Planning Policy Context

The application site is located within the defined settlement limits of Burry Port as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP2 of the LDP supports proposals which respond to, are resilient to and adapt to minimise for the causes and impacts of climate change. Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN15.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Burry Port is identified as a Service Centre.

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area. The LPA has produced Supplementary Planning Guidance on affordable housing.

Policy SP9 of the LDP promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

Policy SP13 of the LDP states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

Policy SP14 of the LDP states that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

Policy SP16 of the LDP relates to community facilities and states that 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 suitable alternatives are available.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy SP18 of the LDP states that the interests of the Welsh language will be safeguarded and promoted.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development 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.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 of the LDP states that the Council, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new development. The LPA has produced Supplementary Planning Guidance on planning obligations.

Policy GP4 of the LDP 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 the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites. On such proposals for 5 or more dwellings affordable housing will be required to be provided on site.

Policy TR2 of the LDP states 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 of the LDP highlights 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.

Policy EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP relates to biodiversity and states that 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 (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 of the LDP states 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.

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

Policy EP3 of the LDP 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.

Policy EP5 of the LDP states that proposals for development in coastal locations will be permitted provided that they are necessary in that location and they do not increase the risk of erosion, flooding or land instability.

Policy REC2 of the LDP states that all new residential developments of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards of 2.4ha per 1000 populations. In the event that these standards cannot be met, or where there is sufficient existing provision already available to service the development, then off site financial contributions will be sought as and where appropriate.

THIRD PARTY REPRESENTATIONS

As aforementioned in this report eight letters of representation have been received objecting to the application, whilst two letters have also been received from the Local Assembly Member Lee Waters AM. The material reasons for objection raised will now be addressed individually as part of this appraisal.

The main reason for objection raised relates to the proposed demolition of the former Copperworks School building. Objectors opine that the former school building is an important part of Burry Port's heritage and thus should be retained and used for community use. Reference is drawn to the existence of a local voluntary body who have this intention in mind and objectors state that they should be given a genuine opportunity to progress their proposals. It is stated that if the Town Council had spent a reasonable amount of money on the school over the years then it would still be in a serviceable condition, which would have benefitted the community as a whole. The Local Assembly Member has been approached by a number of his constituents in relation to this, whilst he has also met with the applicant in order to find out more information from their perspective. His comments have already been summarised in this report.

In relation to this issue, the LPA asked Pembrey and Burry Port Town Council to address these concerns, and subsequently the LPA received a justification statement from them to this effect. The key points of the justification statement are as follows:-

- Pembrey and Burry Port Town Council took the very difficult decision to vacate the larger of the two buildings on the former Copperworks School site in 2014, when it became evident, on expert advice, that it was no longer safe to be used by the various community groups meeting there. It was possible for the Council to provide alternative accommodation for most of the user groups in other Town Council facilities. All of the user groups had vacated the building by June 2014.
- On further inspection of the building once it was vacated, the full extent of the essential works became clear, the cost of which were assessed at **over £200,000**. The works included a new roof, totally new electrical wiring, a new central heating system, an underground leak which would require extensive excavation works, new windows and new floors.
- In a letter dated the 30th June, 2016, following a site visit on the 23rd June, 2016, the County Council's Principal Building Control Officer confirmed that the building was in a **potentially dangerous condition** and therefore it was recommended that the building is not occupied. It was also recommended that the building should be secured to maintain public safety.
- The Town Council has considered a number of options for the building. These included the option of renovating and improving the building. In this regard the Town Council concluded that it did not have the finances to carry this out. Such a programme would take up the majority of the Town Council's reserves and would put it in a position which would contravene Financial Regulations. The Town Council considered that it could limit the withdrawal of reserves by borrowing some of the funds required but it concluded that in the face of growing and increasing demands on its resources to meet other community needs, this would not be a proper and prudent action to take.

- The Town Council concluded that this option would not represent value for money as it was clear that there were other suitable facilities in the area which are easily available to the community and that these facilities would shortly be greatly extended through the construction of a new community school nearby.
- It also concluded that the value of the building once renovated would be less than the cost of the renovation and that could only be justified if there was a total gap in community facilities in the area, which was not the case.
- The Town Council also had regard to the fact that there was a strong likelihood that it would be having assets transferred to it from the County Council in the near future, which would place further financial pressure on the Town Council's resources.
- In relation to giving a community group the opportunity to improve the building, the Town Council was approached by a new group (Regenerate our Copperworks Site) which wanted the opportunity to see if it could produce a plan for the building and some positive indication of funding being secured. The Town Council was initially prepared to allow the group a six month period to demonstrate meaningful progress. By the end of the six month period the group had not contacted the Town Council. Accordingly, the Town Council contacted the group and on realising that little progress had been made it extended the deadline to enable them to demonstrate progress.
- The group was still unable to demonstrate any meaningful progress and did not produce a business plan or any indication that funding may realistically be secured in a reasonable timescale.
- Ultimately, the Town Council considered that the only viable option for the site was to dispose of the asset for housing suitable for first time buyers. The Town Council was mindful of the fact that the condition of the building continues to deteriorate. The Town Council also took into account that even whilst empty and boarded up, the asset was costing the Council an amount of money equivalent to an increase in its precept of 2.5% per year.
- The Town Council is not in a financial position to consider the re-development of the site itself and therefore, it seeks outline planning consent in order to sell the building. The sale proceeds will be utilised by the Town Council to ensure the necessary maintenance of its other facilities, which will continue to benefit the communities of Pembrey and Burry Port.
- The Council also strongly feels that the construction of new housing on this site will greatly assist in the regeneration of the area.

The LPA considers that the justification statement provided by the applicant outlines in detail the reasoning behind the current proposals, and also what alternatives have been considered. The latter includes options for renovation and re-use for community purposes, including giving a local group an opportunity to advance their proposals. It is considered that the justification statement satisfies the requirements of Policy SP16 of the LDP in that it has been clearly demonstrated that the facility is no longer viable and that suitable alternatives are available in the settlement of Burry Port.

The LPA would not contest the fact that the current proposals will result in the loss of buildings that form an important part of the history and heritage of Burry Port. The buildings are of local significance having been built in the late 19th Century and serving as a local school. Notwithstanding this however the buildings themselves are not listed nor located within a conservation area, and are thus offered no statutory protection preventing their demolition. The buildings are not therefore considered to have sufficient historical or architectural merit to warrant protection.

As requested by the Authority's Archaeological Advisors a condition will be imposed on any planning permission granted requiring a detailed photographic record of the building prior to its demolition.

Some of the objectors have also drawn reference to the high quality stone and copper slag boundary wall that surrounds the site, which in their opinion should be preserved or at the very least incorporated into a new development scheme. One resident has also raised concern over replacing the boundary wall between the application site and the rear of Woodbrook Terrace with a fence, stating that a fence will not be as robust as a wall. In relation to this issue Members are reminded that the current application is in outline form only with all matters reserved for future consideration. The LPA agrees that the existing boundary walls are an attractive historic feature and there is scope for part retention and incorporation into any future development scheme. In relation to this matter it is recommended that a condition is imposed on any planning permission granted that requires a boundary treatment scheme to be submitted for approval as part of any subsequent reserved matters submission.

Reference is also drawn to the potential presence of tunnels under the school building dating back in excess of 100 years. It is opined that the presence of such tunnels should be investigated and if such tunnels exist then they should be opened up to the public. In relation to this there are no identified constraints in this respect whilst the Authority's Archaeological Advisors Dyfed Archaeological Trust has not raised any such issue.

Some objectors have opined that sufficient land is already allocated for residential development in Burry Port and thus there is no need for the current proposals. In this respect whilst the application site is not allocated for residential development, it is nevertheless located within the defined settlement limits of Burry Port as outlined in the Adopted LDP, and therefore there is no in principle objection to residential use. The application site is surrounded by residential dwellings and thus the proposed use is considered the most appropriate and compatible use for this area.

The final issue of concern raised relates to potential overlooking from plots 6 & 9. In this respect and as aforementioned, the plans submitted are purely indicative at this stage. Detailed consideration will be given to such matters at any subsequent reserved matters stage.

CONCLUSION

The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted LDP and as such there is no in-principle objection to developing the site for residential use.

The indicative plans submitted with the application depict that the application site can adequately accommodate up to 9 No dwellings with associated access, parking and amenity areas.

It is considered that there are no loss of amenity issues associated with the proposed development, whilst it is considered that the issues of concern and objection raised have adequately been addressed as part of the above appraisal.

In terms of drainage, it is proposed to dispose of foul water via the mains sewer which is considered to be the most sustainable and acceptable method. With regards to surface water disposal the drainage report submitted with the application indicates that the results of percolation tests prove that soakaways are feasible on the site. The report also indicates that both foul and surface water runoff from the existing buildings located on the site enters the combined sewer system. Surface water runoff from the large extent of hardstanding around the building may also enter the sewer. The proposal therefore to use soakaways as part of any future residential development will result in betterment by removing surface water from the combined sewer in the locality. The report provides a number of different scenarios and calculations to evidence this. These drainage proposals are considered acceptable and the proposal accords with the requirements of the CBEEMS Memorandum of Understanding.

The Bat survey report submitted with the application concluded that there were no signs of roosting Bats within the building and therefore the Authority's Planning Ecologist has confirmed that an European Protected Species licence is not required. Nevertheless the Planning Ecologist recommends the imposition of a precautionary condition on any planning permission granted.

In terms of the European Protected Estuary site the Authority's Planning Ecologist has stated that this application is within 400m of the Carmarthen Bay & Estuaries SAC, Burry Inlet SPA and Ramsar Site. As a competent authority under the Habitats Regulations the LPA has to consider the impact of development on the features for which the SAC, SPA or Ramsar sites are designated and where necessary undertake a Test of Likely Significant Effect. It is considered the development proposed within this application will not impact on the SAC, SPA and Ramsar habitat or species features. The designated site is separated from the proposed development by an area of previously developed land (50m wide) and a natural buffer approximately 350m wide. There are no water courses directly connecting the application site to the designated site. It is considered unlikely that the development will cause any adverse effects including sediment transfer and deposition, turbidity, noise, visual presence, physical disturbance, contamination, nutrient transfer, salinity and oxygenation. The development will not change the coherence of the site or the Natura 2000 network. There will be no reduction in the area of habitat within the designated site. There will be no direct or indirect change to the physical quality of the environment (including the hydrology) of the habitats within the site. There is unlikely to be any ongoing disturbance to species or habitats for which the site is notified or changes in species composition or population size of any feature. Therefore on this occasion a the Authority's Planning Ecologist has not undertaken a detailed TLSE.

Finally in terms of community benefits the applicant has agreed to requests for 20% affordable housing to be provided on site, whilst a financial contribution of £24,000 has also been agreed to provide new playground apparatus on the existing park at Burrows Terrace to the immediate south of the site. These community benefit contributions will need to be secured via a Section 106 agreement.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP.

As such this application is put forward with a favourable recommendation subject to the imposition of the following conditions and subject to the completion of a Section 106 agreement. Members of the Planning Committee are therefore respectfully requested to resolve to approve the application and grant the Authority's Head of Planning plenary powers to release the planning permission upon the successful completion of the above mentioned S.106.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The permission now granted relates to the land defined by the 1:1000 scale location plan received on the 2nd December, 2015.
- 2 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - a) the expiration of five years from the date of this outline planning permission;
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.
- 4 Detailed plans indicating the positions, height, design, materials and type of boundary treatment to be retained and erected shall be submitted for the written approval of the Local Planning Authority as part of any subsequent reserved matters submission.
- 5 Development shall not begin until a photographic survey of the existing building has been carried out in accordance with guidelines provided by the Local Planning Authority's archaeological advisors – The Dyfed Archaeological Trust- Development Management. The resulting photographs should be approved by the planning authority prior to the commencement of development and deposited with the regional Historic Environment Record, held and maintained by the Dyfed Archaeological Trust, Corner House, 6 Carmarthen Street, Llandeilo, Carmarthenshire, SA19 6AE, (Tel 01558-823121).
- 6 Prior to the occupation of any of the dwellings herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the Morlan Terrace

Road. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.

- 7 No development shall take place on the application site until the applicant has:
- Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
 - Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
 - Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.
- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 9 Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority.
- 10 Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition/construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.
- 11 Prior to the commencement of the development, a scheme for the control of noise 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.

- 12 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of **07:30 – 18:00** Monday – Friday, Saturday **08:00 – 13:00** and not at all on Sundays, Bank or Public Holidays.
- 13 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
- 14 The finished floor levels of the dwellings should be set a minimum of 300mm above the existing ground levels on the relevant parts of the application site. Detailed drawings indicating this will need to be submitted for the Local Planning Authority's approval as part of any subsequent reserved matters submission.
- 15 The development works hereby approved shall be carried out in strict accordance with the recommendations and enhancement sections (6.2-6.3) of the 2015 submitted bat report and Section 6 of the 2016 submitted bat report and full details of enhancements proposed must be provided as part of any subsequent reserved matters submission.

REASONS

- 1 In the interest of visual amenity.
- 2 Required by Section 91 of the Town and Country Planning Act 1990.
- 3 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
- 4 In the interest of visual amenity.
- 5 To record historic environment interests whilst enabling development.
- 6 In the interest of highway and pedestrian safety.
- 7-9 To protect human health.
- 10 To ensure that the amenity of local residents is adequately protected from dust during construction.
- 11&12 In the interest of preserving residential amenity.
- 13 To ensure a satisfactory form of drainage.
- 14 To prevent flooding.
- 15 In the interests of biodiversity.

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 proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable
- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework
- It is considered that the proposal complies with Policy SP6 of the LDP in that provision is made for affordable housing within the scheme
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment
- It is considered that the proposal complies with Policy SP16 of the LDP in that the applicant has clearly demonstrated why the facility is no longer viable and that suitable alternatives are available.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure
- It is considered that the proposal complies with Policy SP18 of the LDP in that the interests of the Welsh language will be safeguarded and promoted
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area
- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Burry Port and accords with all other policies of the plan
- It is considered that the proposal complies with Policy GP3 of the LDP in that the application will be subject to a Planning Obligation to meet the requirements arising from the development

- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing element of the scheme is located within defined settlement limits and accords with the principles of the plan's strategy and its policies
- It is considered that the proposal complies with Policy AH1 of the LDP in that provision is made within the proposed scheme for affordable housing
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated
- It is considered that the proposal complies with Policy EP5 of the LDP in that the proposed development in this coastal location will not increase the risk of erosion, flooding or land instability
- It is considered that the proposal complies with Policy REC2 of the LDP in that a financial contribution towards improving off site open space will be made

NOTES

- 1 This planning permission is granted subject to the covenants contained in the legal agreement under Section 106 of the Town and Country Planning Act 1990 dated in order to secure 20% affordable and housing and in connection with the payment of £24,000 to provide new playground apparatus on the existing park at Burrows Terrace.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 3 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.

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*Ardal
Gorllewin/
Area West*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

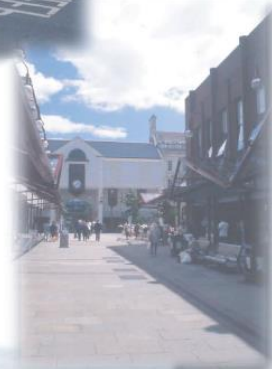
**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN/**

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

**AR 24 AWST 2017
ON 24 AUGUST 2017**

***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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	24 AUGUST 2017
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

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W/35759	Single detached residential dwelling at plot adj Bryneglur, Heol y Foel, Foelgastell, SA14 7ET	111-117

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/35554
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Application Type	Full Planning
Proposal & Location	NEW PUBLIC SQUARE, CAFÉ AND SMALL BUSINESS UNITS TO EXISTING PUBLIC REALM AT JACKSONS LANE SQUARE, CARMARTHEN, SA31 1QD

Applicant(s)	CARMARTHENSHIRE COUNTY COUNCIL – MIKE BULL, RURAL BUISNESS DEVELOPMENT CENTRE, NANT-Y-CI, CARMARTHEN, SA33 5DR,
Agent	CAPITA – MR JAMES MORRIS, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5BF,
Case Officer	Stuart Willis
Ward	Carmarthen South
Date of validation	19/05/2017

CONSULTATIONS

Head of Transport – Has responded with no observations.

Transport and Engineering – Has raised no objection to the proposed paving slabs for the scheme.

Carmarthen Town Council – Has not objected to the proposal however they have made the following recommendations:

- There is considerable concern about the removal of this area of green space from the middle of Carmarthen - the removal of the greenery and trees etc should be avoided as far as possible; where this is impossible then the area of greenery and number of trees should - as a minimum - be replaced with at least the same volume or area of greenery and trees;
- There should be strict control by the county council over the management of the public screen to avoid noise pollution and prevent any possible anti social behaviour caused by people congregating and consuming alcohol there;
- Accessibility for disabled people should be provided on the basis of inclusivity and equality. The location of the steps into the square should include integrated ramps to avoid the need for disabled people to be further inconvenienced by having to find a different route into the square.

Local Member - County Councillor G John and A Lenny (Chair of the Planning Committee) have not commented to date.

Land Drainage – Requested further information in relation to the size of the attenuation tank and the chosen method of drainage. Following additional details having been provided they have responded that they have no adverse comments to make.

Dyfed Archaeological Trust – Has, following examination of the Historic Environment Appraisal submitted, recommended the imposition of a condition in relation to a programme of archaeological works with any approval.

Public Protection Division – Has raised no objection. Comments are made in relation to separate legislation. No concerns were raised in relation to air quality impacts. A condition is requested with any approval in relation to dust mitigation during construction works. A further condition is recommended to control delivery times to the proposed units. Conditions are also recommended in relation to plant at the proposed units and noise from the proposal initially. The condition relating to plant is not considered necessary as separate planning permission would be needed for any such units if/when required. Following discussions with the Public Protection Division this was clarified and their final comments recognised this.

Comments were made in relation to noise and in relation to the proposed scheme. Reference is made in the submission to the use of the screen and that for some events licences would be required. Public Protection have provided some observations on the nature of the licences and where these are required.

- If the TV screen shows live sport then it is exempt from Licensing Legislation
- If the screen shows recorded sport etc then it falls under licensing as its deemed as recorded film
- Given that the land is LA owned and possibly classified as a workplace it would benefit from some deregulation exemptions. So for example if the Live Music event was being run for or on behalf of the LA then if it finished before 11pm then it would be exempt.
- There are 2 Café premises proposed for use under Class A3 - Food and drink. Dependant on the nature of the use there is potential for with outdoor speakers etc and there are residential premises in the area

Following further discussions in terms of how best to manage/control the potential impacts from noise generated from the screen in the square a condition in relation to operating times was agreed. This would prevent the use of the screen between 11pm and 9am on any day.

Cadw – Has raised no objection and feel the development would not damage the setting of any scheduled ancient monuments.

Access Officer – Has commented that having had the opportunity to discuss this proposed development pre planning submission, the access improvements have been included within this submission. The submitted proposal does meet current guidance document (approved Document M, BS 8300) regarding access standards and will provide improved access for the majority of those people with mobility difficulties. Consideration to the final finishes is a must regarding suitable visual contrast of adjacent surfaces. Light

reflectance values of these products need to be a minimum 30 point difference between adjacent surfaces and provided the developer confirm this then all is compliant.

In conclusion the officer does not have any objection to this development.

Welsh Water – Responded initially that they had concerns that the proposal seeks to communicate new surface water flows to the public combined sewer crossing the site. They felt initially the application provided limited evidence that the drainage hierarchy of part H of the Building Regulations has been exhausted before a surface water connection to the mains system is proposed. They also made comments about the location of pipes crossing the site.

Further/amended information was subsequently submitted and however Welsh Water are yet to respond.

Police Liaison Officer – Has commented that although you do get people using the small square in question, there is not a problem with Anti-Social Behaviour. (Asb)

He goes on to say that young people go there, but as the Italian and the Ice Cream parlour have outdoor seating etc there is always a natural presence of people and the area self-police's. There is no specific intelligence regarding ASB in the area.

He has read the other replies to the application and from a personal point of view likes the current set up with the trees and quiet seating area. From a policing point of view there is no indication that a screen etc will invite problems, it will obviously encourage more persons to the area, but acknowledges that is the reason behind providing the facility i.e. to be used.

Carmarthen Civic Society – Has commented that they feel there is a pressing need to improve the quality of the present Jackson's Lane Gardens and that the Carmarthen Town Regeneration Master Plan 2014-2030 set out appropriate objectives to achieve this as a means to invigorate the commercial viability of King Street through improving and encouraging a pedestrian link between it and Red Street.

They feel the area is a critical asset to Conservation Area and feel that any improvement or redevelopment to achieve the objectives of the Master Plan should safeguard its historic and visual amenity value. However they have concerns that the proposed scheme would seriously detract from the character of the space, the conservation area and, prejudice the long-term objectives of the Master Plan itself. They feel the scheme is out of character with the town's personality and of unnecessarily extravagant design. They feel the application should be refused.

Further comments on the design of the scheme are made including the following:

- Loss of landscaped pedestrian space in the town centre which provides respite for users of the town centre.
- Northern end remains open and loss of public area due to proposed buildings.
- Hard landscaping, steps and lighting fixtures are alien, costly and unnecessary.
- Access issues created by steps and works to ground levels.
- No need to create level surface, remove trees or alter land levels.

- Little merit or justification and the viability of additional town centre office space at first floor level in this location is questionable.
- New units not identified in the Masterplan.
- Design and scale not appropriate to the location or in keeping with the character of the site.
- Questions over the northern area or land, what it is to be used for in the future and over the proposal to retain it as a green space with no “purpose”.
- Query over sewer pipes at the site and impact on the proposal and future proposals.
- Use of square for public assembly/events has potential to create disturbance to users of the site and nearby residential premises.
- Present use considered preferable but with enhancements is an opportunity missed.
- Proposal is contrary to LDP policies.

Neighbours/Public - The application has been publicised by the posting of Site Notices and advertised in the local press with 11 responses having been received to date:

- Loss of trees and grassed area – further planting should be proposed and relationship with climate change.
- Impact from loss these on drainage and reducing shaded areas.
- Proposed screen damaging the atmosphere of the site and would encourage antisocial behaviour.
- Increased pressure on the NHS due to the above impacts.
- Lack of toilet facilities for those watching the screen.
- Large paved areas in the town centre already. No need for a further one.
- Bespoke shelters should be proposed to create shade, stage bandstand etc
- Loss of last remaining public garden space
- Lack of justification over impacts on the Conservation Area
- Contrary to LDP policies regarding impacts on the historic environment and high quality design.
- Lack of justification for the commercial units proposed
- Impacts on the amenity of nearby properties and buildings
- Limited public access due to changes to levels and questions over disabled access
- Impacts on public rights of way
- Reference to similar development in Castle Square, Swansea which are now being reversed
- Big screen is a good idea however should be located elsewhere in the town
- Lack of information/clarity in relation to view of the site, comparison with existing buildings and over the proposed landscaping.
- Concern over the impact of the bin store on the appearance of the area.
- Alternative/amended design would achieve an improved area and maximise open space and reduce construction impact.
- Environmental concerns from drainage issues, loss of green spaces and transportation and materials required for the scheme.

- Suggestions on more minor changes
- Several schemes suggested in recent years for the area and all been subject to change.
- Negative impacts on the character of the area which is historically sensitive.
- Ecological and social impacts from loss of existing space.
- Proposal is bland hard surfaced area.
- Scheme focused on profits by inclusion of the screen.
- Area too small to attract large crowds
- Open character lost with greater enclosure and smaller public area.
- Character of proposed buildings not appropriate.
- Area should be promoted for historical value rather than commercial.
- Big screen may be of value if use is limited.
- Alternative location for the screen within the town centre eg Guildhall Square.
- Impacts on bats if using the trees to be removed.
- Proposed buildings and screen will negatively impact on established businesses.
- Aim of encouraging people to travel from Red Street to King Street could be achieved more cheaply and effectively.
- Diagonal path across the square should be created.
- Additional/alternative planting would improve the scheme.
- Scheme is along the line of Castle Square Garden which is not being revisited.
- Council staff could have been used in place of consultants to achieve a better scheme.
- Lack of plans/information comparing the proposed building with existing ones.
- Proposed building would dominate approach from Red Street due to its height.
- Linear roof line of the building is not typical of the existing ones on the square.
- No part of the square is allocated for development in the LDP or has previously been allocated.
- Trees to be retained/differences from proposals shown in the Carmarthen Town Masterplan Draft 2014 and landscaping enhanced.
- Materials not appropriate to the area and stone could be found locally.
- Sustainability questions over choice of materials and where they are sourced.
- Lack of visual information for grassed areas and how they are incorporated in to the scheme.
- Grassed area will be built on in the future so landscape scheme will not come forward as shown and square be blocked off deterring pedestrians.
- Permission previously granted to build on grassed areas to the northern end of the site was more appropriate.
- No consultation with the police
- Insufficient information relating to noise
- Queries regarding consultation with nearby businesses

RELEVANT PLANNING HISTORY

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

W/30943	Proposed 1 X DSLAM green telecommunications cabinet on a concrete plinth Telecom prior approval not required	30 September 2014
W/21169	Erection of a two-storey building for retail shops and offices Outline planning permission	10 September 2009
W/00768	Siting of a retail development Outline planning permission	12 September 1997
D4/24093	Public Garden County Permission Under Regulation 4	18 November 1993
D4/24092	Construction of shop units County Permission Under Regulation 4	18 November 1993
D4/23447	Public Gardens County Permission Under Regulation 4	15 July 1993
D4/23446	Siting of a shop unit County Permission Under Regulation 4	15 July 1993
D4/19189	Area Directors office together with the lobby banking facility Outline planning refused	20 September 1990
D4/18254	Siting of retail development County Permission Under Regulation 4	12 September 1989
D4/13725	Siting of retail development and public garden area County Permission Under Regulation 4	28 July 1986
D4/13692	Construction of 3 no lock up shops and offices No Decision	
D4/12879	Siting of 3 no lock-up shops with office cover Outline planning permission	17 October 1985

APPRAISAL

The application is one where as Carmarthenshire County Council have an interested in the site in terms of land ownership and are the applicants.

THE SITE

The application site is an area of land which is currently forms part of the public square off Jacksons Lane. The site is located along Jackson's Lane, which is a pedestrian route

running from King Street to Chapel Street in Carmarthen. The site is located in the centre of Carmarthen. Chapel Street then runs along to join up with the commercial area at Red Street. The land slopes from the south towards Chapel Street at the northern end. There are buildings to the southern and eastern sides of the square. The western elevation has a stone wall with the rear of commercial properties backing on to the square. The northern end of the square is open on to Chapel Street.

The existing properties along Jacksons Lane and facing on to the square are generally of commercial nature. There are some residential properties however the buildings are primarily in A1 (retail) or A3 (hot food and drink) use. In the square itself there are a number of trees and various seating areas with benches and walls. There are paths around the square. Along the eastern edge of the square there is a stone wall running north/south. The north part of the square is currently grassed although occasionally used for informal parking. Bins for the properties on the square are stored in the centre of the site at present.

The site is located within the defined Town Centre of Carmarthen as delineated in the Carmarthenshire Local Development Plan (LDP). The land at the northern end of the site, currently grassed, is shown to be located within the area defined as the Primary Retail Frontage. The existing commercial premises to the southern end and the west of the site are also designated as Primary Retail Frontage. This is also the case for the properties adjacent to the access from King Street. The premises on the eastern side of the square are designated as Secondary Retail Frontage. The square itself has no specific designation.

The proposal is indicated to be a further stage of a wider redevelopment of this part of the town centre. Further development has been suggested connecting Red Street to King Street via Jacksons Lane. Planning permission has already been granted for a row of retail kiosks on the corner of Red Street and Chapel Street earlier this year (W/34922) at planning committee.

A public consultation exercise was undertaken including a public consultation held on the 14th – 16th of September 2016 at Myrddin Day Centre in John Street, Carmarthen by the Economic Development section of the Authority.

The existing square/gardens were created by the Carmarthen District Council in the 1990's following planning permission in 1993. Planning permission was given the same year for the construction of shop units on the southern end of the square. In 2009 planning permission was granted for a 2 storey building on part of the northern end of the square currently grassed. This was not implemented and subsequently lapsed. There was also permission granted in 1997 for a mixed use development of A1, A2 and A3 uses along with residential use. Historically the land had previously been part of the curtilages of the buildings around the area rather than public space and there were buildings on the lower (northern) part of the site.

THE PROPOSAL

The application seeks full planning permission for the creation of a new public square, as well as the construction of café and small business units.

The café and business units proposed would consist of a single 2 storey building located on the western side of the square. At ground floor level there would be 2 café units (A3

use class) with a combined floor area of 106sqm. At first floor level 2 office premises are proposed (B1 use class) with a combined floor area of 164sqm. The total useable space for the commercial units is therefore 270sqm.

The proposed two storey building would have a pitched-roofed with material indicated to be fibre cement "slate" tiles. The walls would be largely acrylic render with elements of Blue Pennant Sandstone. The building is located on the western boundary of the site and would require the removal of a section of the existing stone wall. The shop windows and upper floor windows are proposed to be oak lacquered boarding with powder coated aluminium glazed units. The building would measure 5.8m in depth with the central area set back being 5m in depth. The 2 storey element of the building is 29m in length with smaller entrances at either end. It would have a maximum height of 9m at the highest point due to the change in land levels at the northern end of the site. The majority of the building would be 6.6m. The building would screen the current views from the square of the rear of the "B and M" retail unit.

Centrally at first floor level on the front elevation of the building there is proposed to be a screen. The application indicates that Jackson's Lane and Square are to be promoted as a cafe quarter for Carmarthen with activities promoting the nearby café outlets and local market produce. The outdoor screen will show sporting events, live university lectures and film festivals amongst other features. It states that the outdoor screen forms part of a strategy to host regular events promoting business start-ups, language festivals, street feast and farmer's markets. The application confirms that the Square will request a license for the playing of selected live music to correspond with events and for a number of individuals and small groups to entertain users. The screen will be silent unless there are events being held on Jacksons Square.

At the north western end of the site, where there is currently hard surface area there would be a bin store. This would measure 8m by 7.2m and would be enclosed with a 2m high timber fence. This is said to be a temporary store however there is no period given for the temporary use.

There would also be works and alterations to the square itself. The proposal would see the main part of the square levelled to create a flat main square. The alterations to land levels would require the removal of the existing trees on the square. It is proposed to replant 3 trees on the new square; 2 at the southern end and 1 at the northern end. These trees would also incorporate seating areas around them. Steps would be created at the northern and southern ends of the square. There would be a level access point to the square centrally along the eastern side of the redesigned square. The steps proposed would have wide treads so that they would be suitable for seating also. Seating areas are also provided around the periphery of the square along the new Blue Pennant Sandstone boundary walls to the square on the southern and eastern sides. Jacksons Lane itself would be resurfaced also along with the southern end of the application site before reaching the new steps and main square. These areas would have textured concrete "conservation" paving, with granite stone paving for the steps and square.

Multiple small lamps are proposed around the edge of the square and on the proposed building. These would be powder coated aluminium. The application indicates that the square has been designed to allow moveable café tables and chairs plus alternative temporary seating to be brought in to coincide with organised events. At the northern end of the site beyond the square much of the existing grassed area is to be retained with planting proposed and benches.

In relation to drainage of the site both foul and surface water are to be connected to the public sewer system. Beneath the square there is to be a surface water tank to control the flows.

The application was also accompanied by a Historic Environment Appraisal and Design and Access Statement.

During the course of the application further information was provided by the applicant. This included further/amended landscape details, additional visual information and plans of the site in comparison with existing buildings and further drainage details. Following the receipt of concerns from objectors the applicant's agent provided a response to these. The response included the following comments:

- The fundamental objective of the current 'Jacksons Square' proposal is to increase economic activity in the old parts of the town centre by transforming the existing, unappealing back route through Jacksons Lane and Chapel Street into a busy and attractive thoroughfare.
- The design is consistent with other successful public spaces in the town centre, such as Market Precinct, Guildhall Square and Nott Square, featuring hard landscape, active frontages, and trees in pits, good quality street furniture and lighting. The scale and massing of the design has been carefully developed to be consistent with the existing content. The proposed boundary walls and railings are lower than the existing walls and railings. There is no part of the proposed design which is higher than existing rooflines. The form and style of the proposed building is consistent with the varied range of 'traditional' building forms that exist around the square.]
- The proposed new building will achieve three extremely important outcomes:
 1. It will increase the level of business activity within the square
 2. It will provide an active frontage on the west side of the square, which will attract footfall and help to define the Square as a destination.
 3. It will fully screen the rear walls of the two existing large retail units (B&M and Days).
- There is not sufficient space within the square to accommodate an 'enhanced garden space' as well as space to accommodate a monthly food market or other ancillary uses and events of the type that will be possible with the proposed civic space. An attempt to be both a garden and a civic space will result in a half-and-half outcome that will not achieve the economic impact that the project is aimed to achieve.
- The site is divided over three levels with the square located at the heart of the site. The steps that lead onto the square at each end provide clear pedestrian routes through the site from Chapel Street to King Street shopping destinations. Steps are a necessary part of safe, accessible public realm design. The proposal is designed

with wide, easy-going steps. No flights are more than 1.02m in height. The steps are spread out so that they are as easy as possible to use and so people can sit on them if they wish to. A level access is provided adjoining Jacksons Lane. This forms the main entrance to the square that is fully accessible for all.

- The proposed granite paving is an extremely durable, cost effective material and has been used widely in town centres around Wales and major cities around the UK. We have proposed blue pennant sandstone for the boundary walls and this stone could be potentially sourced from the local Gwyrhyd quarry.
- The advice of the project Arboriculture Consultants is that the existing trees will not thrive or survive in the short-to– medium term if the ground level is lowered around the bases of the trees, as will be necessary.
- The integrated outdoor screen is an essential objective of the proposal, as it will play a major part in increasing footfall and economic activity, and maximising its potential to attract pedestrians and shoppers from the Red Street precinct into the King Street area. The screen will also provide opportunities to establish key links between the town centre, the University and Yr Egin showing selected live lectures, and debates.
- The site currently attracts anti-social behaviour, the increased levels of activity and passive surveillance that the new development will provide will help to reduce existing levels of late-night anti-social behaviour.
- Funding for the project is being obtained via the Transformational Capital Fund and the Rural Community Development Fund on the basis that economic growth and job creation will be achieved, as a direct result of the project.
- Reference is also made to the current square having been formed as part as part of a Council development in the 1990's. All of the paving in the existing square was specified by Carmarthen District Council to be concrete paving products. The principal paving material in the current proposal is natural stone.

Due to the need to remove walls/railings across the site a Conservation Area Consent has been submitted. This is currently in the consultation period. Both planning permission and Conservation Area Consent would be required before the walls could be removed. The consent relates to the walls/railings which are more than 1m in height. This involves the boundary wall to the west of the site and the wall along the path being retained to the east of the site. Walls are to be rebuilt in these locations or would have the wall of the proposed buildings in their place.

PLANNING POLICY

In the context of the current development control policy framework the site is located within the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy SP8 Retail 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.

Policy RT1 Retail Hierarchy 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). Regard will also be had to the policies and proposals of this Plan.

Policy RT2 Principal Centres (Growth Areas): Primary Retail Frontage relates to proposals for non-retail uses (including the change of use and/or redevelopment of existing retail premises) and states they will not be permitted on ground floor frontages of the primary retail frontage of the designated Principal Centres. Changes between existing non-retail uses within primary frontage areas will be permitted where it is a use applicable to the town centre and is not detrimental to the general retail character.

Policy RT3 Principal Centres (Growth Areas): Secondary Retail Frontage states proposals for non-retail uses (including the change of use and/or redevelopment of existing retail premises) will be permitted on ground floor frontages of the defined Secondary Retail Frontage of the designated Principal Centres where they would:

- a. Not lead to a concentration of ground floor non-retail (non A1) frontage exceeding four consecutive properties, or a concentration of non-retail (non A1) properties in the same use class exceeding three consecutive properties;
- b. Not undermine the retail function of the centre or have a detrimental effect upon the vitality or viability of the area;
- c. Not create a level of non-retail ground floor frontage detrimental to the retail character and function of the area.

Policy RT4 Principal Centres (Growth Areas): Town Centre Zone states proposals for the change of use and/or re-development for non-retail uses within a Town Centre Zone (excluding areas identified as within the Primary Retail Frontage and Secondary Retail Frontage) as defined in respect of a designated Principal Centre (Growth Areas) will be permitted where it achieves a diversity of uses appropriate to a town centre location and does not have an adverse impact on its function, visual character and quality.

Policy EP2 Pollution states that proposals for development should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate that they:

- a. Do not conflict with National Air Quality Strategy objectives, or adversely affect to a significant extent, designated Air Quality Management Areas (permitted developments may be conditioned to abide by best practice);
- b. Do not cause a deterioration in water quality;
- c. Ensure that light and noise pollution are where appropriate minimised;
- d. Ensure that risks arising from contaminated land are addressed through an appropriate land investigation and assessment of risk and land remediation to ensure its suitability for the proposed use.

Policy EP3 Sustainable Drainage states 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 GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that *“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”*, *“it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community”* and *“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 TR3 Highways in Developments - Design Considerations outlines a number of matters to be considered included suitable access and parking and to ensure highway safety is not adversely affected for users of the roads/streets.

Policy SP16 Community Facilities is applicable and refers to informal and formal leisure and recreation facilities. The policy states 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.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles. This relates to a number of factors including by distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements; promoting, where appropriate, the efficient use of land including previously developed sites; integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations; respecting, reflecting and, wherever possible, enhancing local character and distinctiveness; creating safe, attractive and accessible environments which contribute to people’s health and wellbeing and adhere to urban design best practice; promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling; utilising sustainable construction methods where feasible; improving social and economic wellbeing; and protect and enhance the area’s biodiversity value and where appropriate, seek to integrate nature conservation into new development.

Policy SP3 Sustainable Distribution – Settlement Framework states that the provision for growth and development will be at sustainable locations in accordance with the Settlement Framework identified in the LDP.

Policy SP17 Infrastructure states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily provided.

Policy GP4 Infrastructure and New Development 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.

Policy SP13 Protection and Enhancement of the Built and Historic Environment states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a. Sites and features of recognised Historical and Cultural Importance;
- b. Listed buildings and their setting;
- c. Conservation Areas and their setting;
- d. Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance States that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

The Listed Buildings and Conservation Areas Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Reference is also made to the setting of listed buildings.

Technical Advice Note (TAN) 24: The Historic Environment (2017) and Chapter 6 of Planning Policy Wales (The Historic Environment) are relevant considerations.

Technical Advice Note (TAN) 23: Economic Development (2014) and Technical Advice Note (TAN) 12: Design (2016) are also of relevance.

Chapter 10 of Planning Policy Wales “Retail and Commercial Development” applies as does TAN4 of the same title.

THIRD PARTY REPRESENTATIONS

There have been 11 adverse representations received to date from members of the public. Concerns/objections have also been received from Carmarthen Civic Society and Carmarthen Town Council. The application is also presented to the Planning Committee due to the involvement of the Authority as applicant and land ownership.

Justification for the New Building

Concerns have been raised over the justification for the proposed units and the impact of them. The site is located amongst other commercial and retail premises and is located within the town centre as delineated in the LDP. While there is no specific designation for much of the area this does not prevent the site from being development. The site is within the town centre in a sustainable location.

The Primary Retail Frontage and Secondary Retail Frontage bounds the site. The proposal is for 2 small scale units at ground floor for A3 use and B1 offices above. These uses are appropriate to a town centre use. The premises around the square at present include A3 uses and the use of first floor accommodation in such buildings is encouraged. Therefore the principle of the nature of the commercial premises proposed is considered to be acceptable. In terms of justification there is no need to demonstrate that there is commercial demand for the proposed units. The site is also a town centre location and therefore while impact on existing business has been raised by some objectors', competition is not a consideration in this location.

Questions have been raised over potential development at the northern end of the site in the future. Each application is assessed on its own merits. This current proposal does not include any buildings at this part of the site. The land at the northern end of the site is allocated as part of the Primary Retail Frontage in the LDP and therefore there it has been considered appropriate for such development if forthcoming in the future subject to the usual considerations. There have also been planning permission previously at this part of the site. However at present what is proposed in this application, and therefore what must be assessed, is the area being a grassed/landscaped area. If future proposals indicate otherwise then these would be assessed at that time on their own merits.

In response to concerns being raised the applicant have provided a response. They comment that the scheme has been designed to economically enhance the Jacksons lane area and achieve the required change in the movement patterns of pedestrians and increase footfall through to King Street. They also refer to achieving the vision set out in the Carmarthen Masterplan to 'improve the public realm and built environment in Jacksons Lane.' The Carmarthen Masterplan was developed in consultation with the Carmarthen Town Regeneration Forum and the agent comments that this reflects the desire for the change within the town through economic regeneration. The proposed new building they feel will achieve three extremely important outcomes:

- *"It will increase the level of business activity within the square*
- *It will provide an active frontage on the west side of the square, which will attract footfall and help to define the Square as a destination.*
- *It will fully screen the rear walls of the two existing large retail units (B&M and Days)".*

The agents feel the space within the square is not sufficient to accommodate an 'enhanced garden space' as well as space to accommodate a monthly food market or other ancillary uses and events of the type that will be possible with the proposed civic space. Therefore they believe an attempt to be both a garden and a civic space would result in a half-and-half outcome that will not achieve the economic impact that the project is aimed to achieve.

Visual Impact, Design and Impact on Historic Environment (Building)

Comments have been made over the suitability of the scale and design of the proposed buildings. Matters of design are subjective and there will be differing opinions on the merits of design. Objectors felt that the scale of the building was too large and the roof line should have been stepped down. There were also concerns over the loss of the public space available by them being constructed. There were questions over the design being inappropriate to the square and the appearance in relation to the existing buildings on the

site. A lack of justification to support the chosen design has also been put forward as a concern.

This is an area that has developed over time with some buildings having been added in the 1990's which now sit comfortably among the older ones. Previously it had been private gardens for properties at the northern end of the site. There are a number of building styles and scales near the site. To the west is the rear elevation of a large building of plain appearance currently occupied by B and M. To the southern end are buildings constructed during the 1990's. The more historic buildings are located to the eastern side of the site however there is again some differences between these. The proposed properties are 2 storey and there are many examples of 2 storey buildings on the square. The scale of the building is considered appropriate and is of similar scale and massing to other properties on the square. The design and appearance of the building is also considered to be appropriate. External materials of the building would be appropriate to the character of the area and would not harm the Conservation Area. These include stone, timber and slate. Elements of the design reflect the more traditional parts of the town centre. The location of the proposed building would help enclose the square and would also screen views of the rear of the buildings currently visible. Currently the rear of buildings adjacent to the square are clearly visible from it and detract from the square. Concerns have been raised over the impacts of the proposed building however it would screen these rear elevation views.

The building would be in relatively close proximity to the existing buildings however the nature of the older areas of the town is of buildings in close proximity to each other. Jacksons Lane itself is an example of the close proximity buildings. Cross sections of the site have been provided and they show the height of the proposed building against that of the existing ones, where there are many examples of 2 storey properties along Jacksons Lane and the square itself. There is also a variation in heights of the different buildings which is typical of older areas of the town. The proposed building does not step down however the proposal related to the square being a level surface. The building would appear large on the approach from Red Street due to the steps at the northern end creating a taller gable on this end. There are windows on this gable elevation and some further openings on the rear elevation of the building where visible from the approach from Red Street.

As with any considerations of design there is the need to make subjective judgements. While objections have raised concerns it is felt that the proposed building is considered to be within the general scale and massing of the existing buildings and it is not felt it would have significant negative impacts on the character of the Conservation Area or the setting of any nearby listed buildings. On balance it is felt that any negative impacts of the proposal are not sufficient to outweigh the benefits of the scheme to an extent to warrant refusal of the application.

No concerns have been raised by Cadw in relation to scheduled ancient monuments. Details have been provided in relation to archaeology and Dyfed Archaeological Trust have responded raising no objection and requesting a condition regarding a scheme of investigation at the site.

Bin Store

The impact of the proposed bin store has been raised as an issue. Currently bins for the properties located on the square are stored on the square itself. They are currently in full public view and this is something that detracts from the square at present. The proposal

includes an enclosed store which would not only be used for the proposed units but would also remove the need to store the bins for the existing units in the open. The size of the store has also taken the opportunity to accommodate bins which are currently stored in the open at King Street. While the inclusion of a timber bin store in the Conservation Area is not an ideal scenario there is also a similarly designed store located off Nott Square. It also provides the opportunity to remove a number of bin stored in the open, including on the square itself. Whether temporary or permanent it is felt that the benefits of removing the open storage outweigh the impacts of the store that is proposed. The nature of the square means it would be difficult to locate the store in another location without it being more prominent from the square itself. The store is located adjacent to a parking area for the adjacent properties and the view of the store would simply be of a timber fence.

Disturbance, Amenity and Social Issues

The proposal includes the provision of a screen on the front elevation of the new building and many of the concerns regarding amenity stem from this element of the proposal. The design and access statement states that *“A large outdoor screen will show sporting events, live university lectures and film festivals amongst other features. The outdoor screen forms part of a strategy to host regular events promoting business start-ups, language festivals, street feast and farmer’s markets. The Square will request a licensed for the playing of selected live music to correspond with events and for a number of individuals and small groups to entertain users. The screen will be silent unless there are events being held on Jacksons Square.”* This indicates that the use of the big screen with amplified sound will at times occur. The need for a licence for certain events was also referred to.

The Public Protection Division have provided advice regarding Temporary Event Notices/licences for events and also where some activities would be exempt for this. There are some residential properties on the square and in the area near it. The licences/event notices are covered by separate legislation and separate from planning considerations. The screen would be silent for the majority of the time. When there are events these would need to comply with the requirements of any licence where required. However there would appear to be occasions which would not require notices/licences and therefore there is potential for the screen to create noise and potentially disturbance. The square currently has commercial premises and outdoor seating areas which themselves would create noise and potentially have music/noise/disturbance associated with them. In order to protect amenity levels at the nearby properties a condition is recommended restricting the use of the screen. The condition would prevent the use of the screen between the hours of 11pm and 9am on any day. It should be noted that opening hours of the premises already on the square are not controlled by planning condition and that opening hours are not generally controlled as part of a planning permission.

Concern has been raised over the disturbance form the use of the new square and anti-social behaviour but also that the square would not be a good public space and therefore may not be frequently used. Concerns have been raised over general disturbance and lack of facilities for the square, particularly during events. As discussed above licence requirements are outside the scope of the planning permission and dealt with under separate legislation. The square at present has no specific public facilities either. Again if necessary such issues would be addressed under separate legislation. The proposal is for the square also be used for outdoors seating as it is currently used at present for the premises adjacent. It is hoped that the new square and any events would be beneficial to the businesses around the square and nearby in terms of increased customers. For the majority of the time the silent screen may simply act like an advertisement and/or to

provide a focal point for those in the square. It is not felt that the screen in terms of its use or the location, scale of it would have any significant detrimental impact on the character of the area or on amenity subject to the condition suggested. Any powers under the Statutory Nuisance would not be affected by the planning permission.

Controls over the special events would be covered by a licence where applicable as would be the case for any licence elsewhere in the town centre where one is required. Objections have referred to the screen as being a potentially a good idea but questioned the location. The screen would provide an alternative location for such events and a permanent facility rather than requiring a temporary screen to be provided each time. A comparison is made to Castle Square, Swansea, where a screen was installed and works made to a public square. There are plans for the area to now be altered apparently. While there may be some similarities these are very different locations and every site and proposal must be assessed on its own considerations. There is a proposal for Jacksons Square which is a far smaller area and this must be assessed against the relevant policies and other considerations at this time for this location.

Comments from the Police Liaison Officer have also been sought. These comments state that *“from a policing point of view, there is no indication that a screen etc will invite problems”*. He also refers to the existing outdoor areas meaning *“there is always a natural presence of people and the area self-police’s”*. This would remain the case with the proposed development and likely to be increased with possible additional outdoor seating from the new units.

The applicants have commented that the integrated outdoor screen is an essential objective of the proposal, as they feel it will play a major part in increasing footfall and economic activity, and maximising its potential to attract pedestrians and shoppers from the Red Street precinct into the King Street area. They go on to state that screen will also provide opportunities to establish key links between the town centre, the University and Yr Egin showing selected live lectures, and debates. The screen would be silent unless being utilised for an event and will be subject to licensing laws.

Comments have been made over anti-social behaviour and lack of public toilet facilities at the square as well as the atmosphere of the square being affected by the works and the proposed screen. The proposal would make the square more open and this may potentially reduce the likelihood of anti-social behaviour as the square as whole would be more visible with clear views from one end to the other. Reference to events creating disturbance would be the case whether the development was constructed as proposed or, as some objectors have referred to, temporary facilities put in place, or located at an alternative location within the town centre. In relation to public toilets again this is a matter that would apply whether the development took place or not. There are no existing facilities being lost.

The applicants in response to concerns over disturbance have commented that they feel the site currently attracts anti-social behaviour and that the increased levels of activity and passive surveillance that the new development would provide will help to reduce existing levels of late-night anti-social behaviour.

Comments from the Police Liaison Officer have also been sought. These comments state that *“from a policing point of view, there is no indication that a screen etc will invite problems”*. He also refers to the existing outdoor areas meaning *“there is always a natural presence of people and the area self-police’s”*. This would remain the case with the

proposed development and likely to be increased with possible additional outdoor seating from the new units.

Objections have made reference to additional pressures on the NHS from the development in terms of physical and mental health impacts. This has included increased sun burn from less shading, mental health impacts from the loss of the green/tranquil space and negative impacts of people watching the screen. The proposal seeks to include replanting for features that are to be removed and therefore there would be some landscape features as part of the new scheme. The existing trees are again a legacy of the development of the square during the 1990's rather than this area being a historical public area. Outdoor public seating is included in the proposed development and therefore it would remain a publicly accessible area. The proposed trees would also provide shelter and are proposed to have seating areas around them. The screen itself is said to be silent for much of time also. Any planning permission would not remove the need for the site to comply with any other relevant legislation in terms of noise and health and safety.

Climate changes is another area where questions have been raised over the proposal. This has been in relation to drainage impacts from the loss of landscape features and from the materials. A drainage strategy has been proposed and further details included following comments from consultees. The proposal retains the grassed area to the northern end of the site. It should also be noted that while there are trees removed there are trees to be planted. Much of the square is currently hard surfaced and sloping which has the potential to increase the speed of surface water runoff. The levelled site would have a modern drainage scheme associated with it. The choice of materials were questioned in terms of their sustainability. The appearance and suitability of the materials is discussed elsewhere in the report. Sustainability of the materials is a factor for consideration however the application needs to be assessed as a whole. The applicants have also commented that all of the paving in the existing square was specified by Carmarthen District Council to be concrete paving products. The principal paving material in the current proposal is natural stone. There may well be alternative materials that could be sourced closer to the site however what is proposed is, on balance, considered appropriate.

Access

Access issues have been raised in relation to disabled/less abled access and the creation of steps in the square where presently there are none. A suggestion by the Town Council was that a ramp be included adjacent to the steps to allow less abled people to access the square in the same way. There were discussions prior to the submission with the Access Officer and the scheme was amended at that stage. The scheme seeks to resurface but not alter Jacksons Lane. Therefore this route is not to be altered in terms of gradient. While there are no steps on the square at present the existing square is sloping.

The applicants have responded to the concerns raised in regard to access and state that the Authority's Access Officer has been fully consulted and is supportive of the proposals. The site is divided over three levels with the square located at the heart of the site. The steps that lead onto the square at each end provide clear pedestrian routes through the site from Chapel Street to King Street shopping destinations. The agent feels that steps are said to be a necessary part of safe, accessible public realm design. They comment that the proposal is designed with wide, easy-going steps. No flights are more than 1.02m in height. The applicant comments that the steps are spread out so that they are as easy as possible to use and so people can sit on them if they wish to. A level access is provided

adjoining Jacksons Lane. This forms the main entrance to the square that is fully accessible for all.

The Access Officer has been consulted on the application and has responded stating that the proposed development was subject to pre planning discussions and that *“the access improvements have been included within this submission. The submitted proposal does meet current guidance document (approved Document M, BS 8300) regarding access standards and will provide improved access for the majority of those people with mobility difficulties. Consideration to the final finishes is a must regarding suitable visual contrast of adjacent surfaces. In conclusion I do not have any objection to this development”*. The Light reflectance values of these proposed products need to be a minimum 30 point difference between adjacent surfaces. A condition is recommended requiring confirmation of the light reflectance values of the surfaces prior to them being installed.

Reference has been made to the impacts on the public rights of way. The site is not a defined public right of way. The square prior to the 1990's creation of the square had been private with only the path along the eastern side being used by the public. The proposal retains the route along the eastern end of the site and there is also public access to the square itself.

Drainage

The scheme proposed to connect the foul and surface water drainage in to the public sewer system. For surface water the scheme shows that there would be a storage tank beneath the main part of the square which would attenuate the flows in to the sewer. Objectors have referred to the loss of trees space and landscape features impacting on the drainage at the site. The positioning of the proposed trees has also been partly affected by the location of underground drainage. The Land Drainage Section initially requested further details of the proposed scheme and the tank involved. Further information was submitted and their subsequent response stated that they have no adverse impact to make on the proposal. Welsh Water have also been consulted and they have responded raising concerns initially over the connection of surface water to the public sewer system. Further justification and information was requested. Following this being submitted Welsh Water have were reconsulted however have not responded to date.

Visual Impact, Design and Impact on Historic Environment (The Square)

A number of concerns related to the works to the square itself. This included the proposed removal of the existing trees, grassed areas and general impacts on landscape features. New planting on a like for like basis was suggested by objectors to prevent any loss of what has been described as a garden area within the town. Alternative design suggestions were put forward questions raised over the choice of materials, changes to land levels and the extent of hard surfacing. The loss of the area as a public space has also been referred to and a lack of justification for the chosen design.

At the northern end of the site there is currently a grassed area with a hedgerow around the boundary of part of it. This area at the northern end is to be largely retained as grass with benches and also a hedgerow along the boundary. The proposal would involve the removal of the 3 trees on the square and the other landscape features on the main area of the square. None of the trees on the site are currently subject to a Tree Preservation order (TPO). The design and access statement with the application refers to it not being possible to retain the existing trees with the proposals to create a level area for the main part of the square. The proximity of trees to existing buildings was also referred to. The existing trees hampering construction works was another factor alluded to. The Tree Report submitted

with the application refers to value of the trees stating “*as a group they collectively offer an attractive landscape feature*” and that they are in good physiological condition and fair structural condition. In light of their removal to accommodate other aspects of the scheme the proposal has included the provision of 3 new trees as part of the application. These were added following the original presentation of the scheme prior to the planning application to address concerns that were raised at that time.

The site is within a Conservation Area and the value of the trees and other landscape features are of greater importance. Comments have been received from the Landscape Officer and the Arboriculture Officer regarding impacts on the landscape features themselves. The Arboriculture Officer felt that the level of information originally submitted was not sufficient and commented that the trees are of high amenity value. The square is popular spot for the public who enjoy the benefits the trees provide at present. Members of the public have referred to the shading they provide. A detailed replanting programme as mitigation for the loss of the existing trees was requested.

The Landscape Officer made a number of comments and recommendations on the original information submitted which included comments on the loss of the trees and other landscape matters. There have also been comments received which question the level of justification for the chosen design. Whether an alternative design which could accommodate the existing trees had been looked at was questioned. Further information was requested again in relation to the detailed elements of the landscape scheme for the site as a whole including tree species, planting stock size and provision of sufficient underground rooting volume to enable effective growth to maturity. Potential future conflict between the tree canopy and to the proposed buildings was also raised and another being close to the bottom of the steps. Suggestions were made on relation of the trees linked with suggestions for changes to the steps at the southern end of the site. Additional details for the northern area of the site was also requested. It is acknowledged that this northern area is designated as Primary Retail Frontage in the LDP and therefore there is the possibility of future development on it. However at this stage there is no planning application for buildings at this part of the site and therefore the appearance of this area remains an important consideration. Suggestions were made for this area also.

Further details were subsequently submitted. The design of the scheme and overall layout remains as originally submitted. The additional information confirmed that with the proposed design of the scheme involving the creation of a level area for the square it would not be possible to retain the existing trees. In support of the chosen design, including the alteration to land levels the agents have provided the following comments:

- The existing site slopes +1 in 17. This is an unacceptably steep slope in disabled access terms, and it greatly reduces the amenity value of the Square. If this gradient was proposed as part of the new development it would require railings and intermediate landings.
- The design maximises accessibility, flexibility and amenity value.
- Reference is made to three different options were presented to the Carmarthen Town Centre Regeneration Forum on 25th May 2016 where the desire for a chosen as the preferred option by the Town Centre Regeneration Forum.
- The locations of the proposed new trees are limited by the need to co-ordinate with the proposed below-ground drainage.

Further comments were received from the Landscape Officer following the submission of these additional/amended details. He states that in consideration of the scheme against

the relevant policy objectives within the landscape consultation remit he advises that there would be no justifiable reason to refuse the planning application as submitted

The proposal includes new landscape features to compensate for the loss of the existing trees. The impacts on the trees are to enable the wider development in its proposed form. Matters relating to design will also be subjective and therefore there will be differing opinions on the merits of these aspects of the scheme. It is felt that while suggestions were made for alterations to the scheme, the proposal as it stands is acceptable and does not challenge policy to a degree to warrant refusal of the application in relation to these landscape matters. Conditions have been recommended in relation to compliance with the proposed landscape scheme and the confirmation of some additional details.

Linked to the direct impacts on the landscape features there have been concerns raised over the over visual impact of the scheme and the proposed design. The need for a further paved area of this type was questioned, in light of it being perceived that there are other similar squares/public places in the town centre. Suggestions were made in relation to the alternatives design and inclusion of different features within the square.

While it is suggested there would be events on occasions and that the square could be utilised for outdoor seating associated with the adjacent businesses the site would remain as a publicly accessible square. There is public seating proposed around the edge of the site, around the proposed trees and at the steps themselves.

In response to concerns raised during the consultation the applicants have provided further justification for the scheme. They feel that the proposed design is consistent with other successful public spaces in the town centre, such as Market Precinct, Guildhall Square and Nott Square, featuring hard landscape, active frontages, trees in pits, good quality street furniture and lighting. The comment that the existing site has far more stone wall, of greater average height, than is currently proposed. They believe these walls are currently arranged randomly across the width of the square creating a confusion of dead ends and poorly directed routes.

Comments on alternative designs and schemes have been made however the current proposal is what must be assessed. The vision for the area has developed and there has been public consultation on the square and the wider area. This is the first planning application at the square since the 1990's. There has been planning permission granted for retail kiosks adjacent to Red Street which is part of the wider development of this area of Carmarthen. This proposal is seen as a further phase of the wider development/regeneration. There may be further developments proposed and these would be assessed if/when they are submitted. There was pre-application discussions with the Planning Department and a number of comments/recommendations were made. Many of these were similar to the matters raised during the course of the application by others. Some of the comments were taken on board and the scheme amended before submission while others were not. Questions of the cost of the scheme have been raised however again this is not a matter for consideration as part of planning. Previous schemes for this part of the town have been referred to and that these have varied from the currently proposed scheme. A decision needs to be made as to whether this current proposal is on balance acceptable or not based in its planning merits, relevant policies and other material considerations.

Other Matters

Highways matters were raised however there is no objection from the Head of Transport and no concerns over the choice of materials proposed for the areas. Questions were asked regarding the level of information provided. It is considered that what has been provided, which include as additional information in response to concerns raised, is sufficient to be able to assess the proposal and reach a recommendation. Some objectors referred to the scheme being driven by profits and questioned if staff within the Authority could have been used in place of external consultants. The scheme has been clear that economic development of the area is an important part of the scheme. The scheme has been designed with the need to increase use of the area in mind and additional facilities will be linked to that. Who submits the application and designs the scheme is not a material planning consideration. Impacts on ecology were raised. The scheme does require the removal of trees further ones are to be planted and the grassed area to the northern end of the square is retained. There were also pre-application discussions regarding ecology and it was not felt that any specific surveys were required. It is not felt that there would be any significant impacts on ecology.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval for the following reasons.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - Surface Water Drainage Strategy
 - received 20th July 2017

 - 1:200 scale Proposed Site Sections (400012)

 - received on 28th June 2017

 - 1:200 scale Existing and Proposed Drainage runoff Areas (0503 P01)
 - 1:50 scale 1:20 scale Drainage Details (0505 C01)
 - 1:100 scale Plans, Elevations and Section, Phase 1 (400006 Rev1)
 - 1:100 scale Bin Store Plan and Elevations (400011 Rev 1)
 - Drainage Storage Calculations (Micro Drainage)

- 1:200 scale Proposed Site Plan (40002)
- 1:200 scale Existing and Proposed Site Sections (40003 Rev 1)
- 1:50 scale Detail Design – Sheet 1 of 2 (400004 Rev 1)
- 1:100 scale Elevations and Sections – Sheet 1 of 2 (400005 Rev 1)
- 1:25 and 1:20 scale Detail Design – Sections, Plan and 3D View (400007 Rev 1)

received on 15th June 2017

- 1:100 scale Proposed Street Lighting (1301 P00)
- 1:100 scale Planting Plan (3001 P01.1)
- 1:100 scale Planting Plan (3001 P01.1)
- 1:10 scale Tree Pit Details (3002 P01.1)

received 13th June 2017

- Historic Environmental Appraisal

received on 24th May 2017

- Examples of Material Finishes – Granite Paving
- Examples of Material Finishes – Conservation textured Concrete Paving
- Examples of Material Finishes – Hazard Warning Concrete Tactile Paving
- Examples of Material Finishes – Welsh Blue Pennant Sandstone

received 19th May 2017

- 1:50 scale Detailed Design – Sheet 2 of 2 (400005)
- Location Plan
- Design and Access Statement
- 1:100 scale Proposed Drainage Layout (P01)

received 16th May 2017

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 4 No development shall commence until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. 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.

- 5 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.
- 6 The screen shall not be operated between 23:00 hrs and 09:00 hours on any day of the week.
- 7 No development or site clearance shall take place until an appropriate and comprehensive Detailed Landscape Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specifically provide, a final version of the Landscape and Ecology Specification as appended to JSL-CAP-61-XX-RP-AR-00003 Tree and Landscape Note Response to Tree Officer and Landscape Officer's Consultation Comments. This information shall be submitted in addition to the landscape proposals indicated on drawings 'JSL-CAP-30-XX-DR-L-3001 Tree Pit Details Sheet 2 of 2' and JSL-CAP-30-XX-DR-L-3002 sheet 1 of 2'.
- 8 The Detailed Landscape Design Scheme as submitted to discharge condition 7 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.

- 9 Prior to the installation of any hard surfaces hereby approved the details of the light reflectance values for the materials shall be submitted and agreed in writing by the Local Planning Authority. The materials shall be implemented as agreed.

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 protect historic environment interests whilst enabling development.
- 4-6 To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.
- 7-8 To ensure that the development effectively delivers the policy objectives of the approved Detailed Landscape Design Scheme.
- 9 In order to assist in providing inclusive access.

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 GP1, TR3, EQ1, EQ5, SP8, R1 and SP13 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that on balance the proposal is acceptable and would bring about economic benefits to this area of town. It is not considered that the proposal would have a significant impact on the amenity of adjacent land uses, properties, residents or the community. There are no highway safety concerns. The works on balance are not considered to create significant harm to the nearby listed buildings or character and appearance of the Conservation Area. The site is located within the defined town centre and provides additional commercial units which would not be considered to be harmful the viability or vitality of the town centre.
- It is considered that the proposed development complies with S.72 of the Listed Buildings and Conservation Areas Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. In that on balance the development overall is not harmful to the character of the Conservation Area.
- It is considered that the proposed development complies with S.66 of the Listed Buildings and Conservation Areas Act which requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In that it is not considered the development has any significant detrimental impacts on the setting of the listed building.

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.

- 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).

Application No	W/35759
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Application Type	Outline
Proposal & Location	SINGLE DETACHED RESIDENTIAL DWELLING AT PLOT ADJ BRYNEGLUR, HEOL Y FOEL, FOELGASTELL, SA14 7ET

Applicant(s)	SHARON PRICE, 29 BOLGOED RD, PONTARDULAIS, SWANSEA, SA4 8JF
Agent	DAVIES RICHARDS DESIGN LTD - MR CHRISTIAN WILLIAMS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD
Case Officer	Richard Jones
Ward	Gorslas
Date of validation	30/06/2017

CONSULTATIONS

Head of Transport – No objection to the proposal subject to the imposition of conditions

Gorslas Community Council – Has not commented to date.

Local Members - County Councillor D Price and Cllr Aled Vaughan-Owen have not commented to date.

Neighbours/Public - The application has been publicised by the posting of a Site Notice adjacent to the application site. 4 responses have been received as a result. These have raised the following issues:-

- A dwelling at this location will obstruct the visibility of vehicles at the adjacent junction coming from the A48.
- The plot is outside of Foelgastell's village boundary and any occupancy should be restricted to a full time agricultural employee or classed as an affordable house.
- The dwelling should be restricted to a bungalow to be in keeping with neighbouring properties.
- A previous planning permission for this site (D4/A/17518/9) required a shared access with the adjoining plot. The traffic since that permission has increased therefore so have highway safety risks.
- Safety concerns regarding the proposed site access' proximity to the highway that links with the A48.

RELEVANT PLANNING HISTORY

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

W/11955 One residential dwelling
 Outline planning refused

15 February 2006

APPRAISAL

This application is subject to a Section 106 Agreement

THE SITE

The application site comprises a roughly rectangular plot of land which is currently laid to overgrown pasture. The site measures approximately 37m in length and has a variable width of between 18m and 27m. In terms of its topography the site slopes gently in a downhill direction from its frontage in a south east to north west direction. The plot adjoins the bungalow known as Bryneglur to the south east, whilst there are residential dwellings to the south. To the immediate north is the junction between Heol y Foel and the slip road that leads onto the A48 dual carriageway. This trunk road is located approximately 170m to the north.

The planning history for the site indicates that permission was refused for a dwelling in 2006 (W/11955 refers) as it was outside of the development limits. It has since been included within the settlement limits of the village and from the site inspection appears to form a logical end to the village's western boundary. The surrounding area is characterised by a low density pattern of development incorporating modern detached dwellings of single and two storey scale.

THE PROPOSAL

The application seeks outline planning permission with all matters reserved. Notwithstanding this, indicative access, parking, layout and scale details have been proposed which show the dwelling centrally located within the plot to allow sufficient space for parking and turning on the front half of the plot, with a 10m rear amenity space provided behind the proposed dwelling. The dwelling itself is annotated as having indicative dimensions of 18m in width by 12m in depth whilst incorporating an eaves height of 2.5m and a ridge height of 7m. The application has also been accompanied by a unilateral undertaking which commits to providing contributions towards affordable housing and butterfly conservation.

PLANNING POLICY

In the context of the current development control policy framework the site is located outside the defined development limits for Carmarthen as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014 and within a Conservation Area.

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that "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” and “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”.

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.

Policy SP1 Sustainable Places and Spaces refer to distributing development to sustainable location in accordance with the settlement framework and promotes the efficient use of land. Integrating with the character and amenity of the area is also referred to.

Policy SP3 Sustainable Distribution – Settlement Framework outlines the growth areas for the County of which Carmarthen is one
Provision for growth and development will be at sustainable locations in accordance with the following Settlement Framework

Policy SP5 Housing outlines the targets for housing provision and indicates this will be through allocated site but indicates this will not all be achieved through housing allocations.

Policy GP3 Planning Obligations states that the Council will, where necessary seek developers to enter into Planning Obligations to secure contributions to fund improvements to various community benefits.

Policy H2 Housing within Development Limits states that proposals for housing developments on unallocated sites within the development limits of a defined settlement will, where they are not subject to the provisions be permitted, provided they are in accordance with the principles of the Plan’s strategy and its policies and proposals.

Policy AH1 Affordable Housing indicates that a contribution to affordable housing will be required on all housing sites and below the 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.). In the Carmarthen area this is £66.71 per sq.m.

Policy TR3 Highways in Developments - Design Considerations outlines a number of matters to be considered included suitable access and parking and to ensure highway safety is not adversely affected for users of the roads/streets.

Policy EQ7 Development within the Caeau Mynydd Mawr SPG Area. The SPG provides specific guidance in relation to the consideration of proposals for potential developments impacting upon the Caeau Mynydd Mawr Special Area of Conservation (SAC) and the need to establish a management strategy to ameliorate for the loss of and secure the ongoing and future management of habitat used by the Caeau Mynydd Mawr SAC marsh fritillary butterfly meta-population.

The objective of this SPG is to provide a (strategic) framework that will ensure that as development proceeds in the SPG area, appropriate land within the same area is managed as supporting habitat for the marsh fritillary butterfly. The SPG provides a mechanism for funds to be secured from planning permissions issued in order to mitigate for the loss of habitat that is likely to occur as a result of development. It also similarly mitigates for any reduction in the permeability of the landscape within the SPG area due to development.

Where planning permission for development is approved within the SPG area, a contribution will be required from the developer which has been calculated to be sufficient to fund the management of twice that area lost to development. This SPG establishes a transparent and consistent approach to securing contributions towards habitat management. The SPG area denotes the area from which contributions will be secured and where habitat management projects will be delivered.

ASSESSMENT

The submitted details show that a dwelling can be comfortably accommodated within the plot whilst ensuring that neighbouring occupiers are not subjected to unacceptable overlooking or overshadowing. The indicative siting details suggest there will be no unacceptable overbearing impact upon neighbours as adequate separation distances have been shown. Detailed proposals will need to be assessed at reserved matters stage and this will also include the design of the dwelling and whether it is consistent and acceptable in the context of the character and appearance of the area. It is noted that the immediate properties to the south and south east of the application are bungalows, however, there are two story dwellings along the street frontage also. Given this mix it is considered unreasonable to restrict the proposal to a single storey dwelling as per the request in some of the objection letters. Therefore it is considered that a single or two storey dwelling of consistent scale, external appearances and character to the surroundings can be accommodated on this plot without harming the character and appearance of the area.

The Head of Highways has responded raising no objection subject to planning conditions requiring parking, access and visibility to required standards.

The division's Planning Ecologist has responded by raising no objection on ecological and biodiversity grounds subject to a planning obligation securing a financial contribution towards Marsh Fritillary butterfly conservation relating to the Caeau Mynydd Mawr Special Area of Conservation.

THIRD PARTY REPRESENTATIONS

There have been four representations received to date from neighbouring occupiers and these are addressed below.

The concerns regarding highway safety and specifically the proposed site access and proximity to the junction between Heol Foel and the A48 slip road are noted. However, the Head of Transport is satisfied that the proposal's location and the indicative access shown are acceptable from a highway safety perspective subject to compliance with technical standards detailed in the planning conditions below.

The objections refer to the dwelling being outside of development limits and that occupation should be restricted to an agricultural worker or for affordable housing purposes. This is not the case as the site is within the settlement limits of Foelgastell as indicated in the LDP proposals map. Furthermore, the objectors have requested that the dwelling is restricted to a single storey design. It is considered unreasonable to request this given the mix of dwellings scales in the area and that there is not considered a need to restrict the scale of the dwelling on residential amenity grounds.

CONCLUSION

After careful consideration of the site and surrounding environs, it is considered that the proposal is acceptable and complies with the relevant policies.

As such the application is put forward with the recommendation of approval subject to the legal agreement.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The permission hereby granted relates to the land defined by the Block and Location Plan [02] 1:500, 1:1250 @A3 and Site Plan [01] 1:200 @A3 received on 7th June 2017.
- 2 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - a) the expiration of five years from the date of this outline planning permission;
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3 Development shall not commence until detailed plans of access; appearance; landscaping; layout; and scale of each building stated in the application have been submitted and received the written approval of the Local Planning Authority.
- 4 Cross sections taken through the site detailing the finished floor levels of the proposed dwellings in relation to the existing ground levels of the site and adjacent properties shall be submitted as part of any reserved matters application.
- 5 The new vehicular access shall be laid out and constructed strictly in accordance with Typical Layout No. 1, adjacent to the eastern boundary of the site, prior to the

commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

- 6 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 7 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Heol Y Foel Road frontage within 2.4 metres of the near edge of the carriageway.
- 8 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented 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 parking or turning facilities is to be obstructed by non-motorised vehicles.
- 9 The access shall be hard surfaced for a minimum distance of 5.0 metres behind the highway boundary, in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 10 No development shall commence until full details of the boundary treatments have been submitted to and approved in writing by Local Planning Authority. The boundary treatments shall be implemented as agreed prior to the beneficial use of the dwelling.

REASONS

- 1 For the avoidance of doubt as to the extent of this permission.
- 2 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 3 In the interest of visual and general amenity and highway safety.
- 4 In the interests of residential amenity
- 5-9 In the interests of highway safety
- 10 In the interest of visual and residential amenity.

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 H2, GP1, GP3, AH1, TR3, SP14, EQ4 and EQ7 of the adopted Local Development Plan in that the

development is within the settlement limits, the indicative layout and scale of the development do not give rise to significant detrimental impacts in terms of highway safety, ecological, amenity, landscape or utility concerns subject to the conditions recommended. Sufficient provision towards affordable housing and butterfly conservation has been commitment to subject to a legal agreement. It is not considered that there would be any significant impacts on amenity or privacy of nearby properties.

NOTES

- 1 The applicant is advised that this planning permission is subject to the applicant/developer first entering in to a Section 106 Agreement/Unilateral Undertaking for the provision of a financial contribution towards affordable housing and the Caeau Mynydd Mawr Special Area of Conservation.
- 2 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.

- 3 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).

Tuesday, 13 June 2017

PRESENT: Councillor A. Lenny (Chair)

Councillors:

J.E. Williams, J.M. Charles, I.W. Davies, J.A. Davies, M.J.A. Lewis, K. Madge, W.T. Evans, J.K. Howell, J.D. James, H.I. Jones, G.B. Thomas, S.M. Allen, A.C.J. Jones, K. Lloyd, D. Jones and L.R. Bowen

Also Present:

Councillor K. Broom who addressed the Committee in respect of Planning Application S/35086

The following Officers were in attendance:

L. Quelch, Head of Planning
 S. Murphy, Senior Solicitor
 J. Thomas, Senior Development Management Officer [South]
 K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - 11.00 am - 12.00 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P. Edwards, J. Gilasbey and L. Roberts

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
W. T. Evans	3 – Planning Application S/35086 – Alternative Scheme for one dwelling (resubmission of S/34809 – REFUSED 06/01/2017) at plot adjacent 15 Heol Ddu, Pen Y Mynydd, Trimsaran, SA15 4RN	Previously a member of Trimsaran Community Council, but had not taken any part in that authority’s consideration of the application
K. Broom	3 – Planning Application S/35086 – Alternative Scheme for one dwelling (resubmission of S/34809 – REFUSED 06/01/2017) at plot adjacent 15 Heol Ddu, Pen Y Mynydd, Trimsaran, SA15 4RN	Member of Trimsaran Community Council, but has not taken any part in that authority’s consideration of the application

3. S/35086 - ALTERNATIVE SCHEME FOR ONE DWELLING (RESUBMISSION OF S/34809 - REFUSED 06/01/2017) AT PLOT ADJACENT 15 HEOL DDU, PEN Y MYNYDD, TRIMSARAN, SA15 4RN

(NOTE: Councillors W.T. Evans and K. Broom had earlier declared an interest in this application)

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 1st June, 2017 refers) the purpose of which had been to afford the new members appointed onto the Committee, following the local government elections, the same opportunity of viewing the site, as the previous committee on the 19th April, 2017.

He advised that at the meeting on the 19th April following concerns raised by the objectors on the possibility of the flat roof to the extension being used as a roof terrace, the committee had resolved to defer the application for discussions to take place with the applicants on the feasibility of replacing the rear first floor French windows/Juliette Balconies with fixed windows to prevent access to the flat roof extension. Whilst agreement had been reached in that regard, it was subject to the windows being openable for ventilation and means of exit in an emergency, in accordance with building regulations, and the imposition of conditions 4 and 5 in the report preventing access to the roof area. Should those conditions be breached at any time, immediate enforcement action would be taken.

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 retrospective 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 retrospective application re-iterating the points detailed in the Head of Planning's report which included the following:-

- With regard to the proposed replacement of the French windows, a view was expressed that with minimal changes thereto access could still be achieved to the roof area. Assurances were therefore sought that such access would never be permitted and appropriate conditions applied to any consent accordingly. That condition was considered to be necessary as the proposed roof covering was capable of being walked upon,
- The ground floor extension measuring 4.3m x 5m x 9m, which had been constructed without planning consent, was considered to be overbearing and would impact on the amenity of the adjacent residential properties. That impact would be exacerbated if the roof area were to be accessed.
- Concerns were expressed at the possibility of further retrospective applications being submitted in the future for the use of the flat roof as a terrace and use of the paddock area.
- The Committee was requested to condition any planning consent to prevent access to the first floor extension roof area

The Senior Assistant Solicitor advised the Committee that whilst, in accordance with protocol, the applicants would be afforded the opportunity of responding to the planning issues raised by the objectors they had requested if they could initially apprise the committee, in camera, of sensitive personal matters relative to their application. Should the committee approve that request, it would need to formally resolve to exclude the public and press from the meeting and suspend the webcast. Thereafter, the meeting would recommence in open public session to hear the appellant's response to the issues raised by the objectors.

RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) (Wales) Order 2007, that the public be excluded from the meeting by virtue of Paragraph 12 of Part 4 of Schedule 12A to the Act in order for the Committee to be apprised by the applicants of personal and sensitive information relative to their application.

Following the application of the public interest test it was **RESOLVED**, pursuant to the Act referred to above to consider this matter in private, with the public excluded from the meeting as the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Following the appellants' submission, the Committee:-

FURTHER RESOLVED that the meeting reconvene in open public session to consider the application

Representations were received in support of the application in the following terms:

- No objections had been raised to the original planning application for the erection of a property on the plot
- the initial proposals for the use of the first floor extension roof area had been withdrawn and no longer formed part of the application,
- the french windows/Juliette balconies to the rear first floor of the main house had been replaced with windows, which would comply with building regulations
- the extension was not considered to be overbearing
- the extension to the rear garden would be aligned with the existing rear boundary of the adjacent property - No 17,
- the committee was requested to approve the application in accordance with the Head of Planning's recommendation.

UNANIMOUSLY RESOLVED that planning application S/35086 be granted subject to the conditions detailed within the Head of Planning's written report

CHAIR

DATE

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Thursday, 29 June 2017

PRESENT: Councillor A. Lenny (Chair)

Councillors:

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

Also Present:

Councillor D. Cundy who addressed the Committee in respect of Planning Application S/33342

Councillors S.L. Davies and G. Thomas in respect of Planning Application S/33342

Councillor R. James who addressed the Committee in respect of Planning Application S/35542

Councillor A. James who addressed the Committee in respect of Planning Application E/35128

The following Officers were in attendance:

K. Byrne, Assistant Solicitor

J. Edwards, Development Management Manager

K. James, Assistant Engineer Planning Liaison

G. Noakes, Senior Development Management Officer [East]

P. Roberts, Development Management Officer

K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - 10.00 am - 12.30 pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors L. Bowen and J.E. Williams.

2. DECLARATIONS OF PERSONAL INTERESTS.

Councillor	Minute Number	Nature of Interest
A. Lenny	3.3 – Planning Application E/35395 – Retrospective permission for already constructed brewery shed in situ on land at Evan Evans Brewery, 1 Rhosmaen Street, Llandeilo, SA19 6LU	Close family member works in the sector – but not for the appellant
H.I. Jones	4.1 – Planning Application S/33342 – Construction of 240 dwellings together with associated vehicular accesses, car parking and landscaping (reserved matters to outline S/15702) at land at Genwen Farm, Bynea, Llanelli, SA14 9PH	Not disclosed

3. AREA EAST - DETERMINATION OF PLANNING APPLICATIONS.

3.1 **RESOLVED** that the following planning applications be granted subject to the conditions detailed within the Report/Addendum of the Head of Planning and or reported at the meeting:-

E/34887	Run of River Hydro Electric Station comprising of an intake, buried pipeline, power house building and outfall at Ystradffin Hydropower Project, Rhandirmwyn, Llandovery.
E/35019	Camping Site and Parking, Access & Facilities Block at Tirbach, Brechfa, Carmarthen, SA32 7RA

3.2 **RESOLVED** that the following planning application be refused for the reasons detailed within the Report/Addendum of the Head of Planning and or reported at the meeting:-

E/35128	<p>Conversion and use of an existing barn to a mix of Tourism Accommodation and Agricultural Use at Stable Barn, 5 Cefngornoeth Farm, Llangadog, SA19 9AN</p> <p>(NOTE: a request for the Committee to view the site in relation to the above planning application was not acceded to)</p> <p>A representation was received in support of the proposed development reiterating the points detailed within the Head of Planning's written report and included the following:-</p> <ul style="list-style-type: none">• The barn was a redundant agricultural building situated within a former farm complex• The developer considered the proposal had the potential to improve the visual amenity of the area and enhance the existing complex by renovating this last remaining redundant unit on the site, complimenting the existing 5 residential conversions/ dwellings• In addition to the residential element of the proposed development, it was the developer's intention to provide quality agricultural products, cheeses, honey and lamb, within the agricultural diversification element promoting the principles of the Health and Well Being Act and the use of alternative medicines,
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	<ul style="list-style-type: none"> As the Head of Planning had not objected to the principle of the proposed agricultural diversification element of the development, it was requested that if the Committee was minded to endorse the refusal recommendation it, in lieu, consider deferment to afford the applicant the opportunity of further discussing the proposals with the Head of Planning. <p>The Senior Development Management Officer (East) responded to the issues raised</p>
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3.3 RESOLVED that consideration of the following planning applications be deferred to enable the Committee to undertake site visits:-

E/35434	<p>Second storey extension above existing ground floor rear extension at 3 Caeffynnon, Llandybie, Ammanford, SA18 2TH</p> <p>REASON: to assess whether the proposal could adversely impact on the amenity of the neighbouring properties in terms of loss of light.</p>
E/35395	<p>Retrospective permission for already constructed brewery shed in situ on land at Evan Evans Brewery, 1 Rhosmaen Street, Llandeilo, SA19 6LU</p> <p>REASON: to afford the committee the opportunity of viewing the development from the objector's perspective and to see the building within the context of the brewery site as a whole.</p> <p>(NOTE: the Chair, Councillor A. Lenny having earlier declared an interest in this application vacated the chair and left the meeting during its determination. The Vice Chair, Councillor H.I. Jones, chaired the meeting in the Chair's absence.</p>

4. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS.

4.1 RESOLVED that consideration of the following planning applications be deferred to enable the Committee to undertake site visits:-

S/33342	<p>Construction of 240 dwellings together with associated vehicular and pedestrian accesses, car parking and landscaping (Reserved Matters to outline S/15702) at land at Genwen Farm, Bynea, Llanelli, SA14 9PH</p> <p>A representation was received requesting the Committee undertake a site visit in connection with the application to:-</p>
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	<ul style="list-style-type: none"> • gain an understanding of the developments potential impact upon the infrastructure in the area and the safety of residents. • view the proposed location of the sewerage tanks/pumps and the potential for overlooking to occur. • afford the whole of the committee the opportunity of visiting the site on the basis only 6 of its current members were members of the previous planning committee which had visited the site in connection with the original outline planning application S/15702 <p>REASON: to afford the committee the opportunity of viewing the site in light of the above representation.</p> <p>(NOTE: Councillor H.I. Jones, having earlier declared an interest in this application left the meeting during its consideration).</p>
S/35029	<p>Change of use of an outbuilding to 12 Kennels at Durclawdd Fach, Llannon, Llanelli, SA14 8JW</p> <p>REASON: to afford the committee the opportunity of assessing the potential for noise pollution to occur to neighbouring properties.</p>
S/35542	<p>To provide a flat public play area including a climbing structure west of the Gorsedd Circle in Parc Howard at Play Area, Parc Howard, Llanelli, SA15 3LQ</p> <p>A representation was received requesting the Committee undertake a site visit to:</p> <ul style="list-style-type: none"> • assess the potential impact the 19 foot high climbing structure could have on the adjacent Gorsedd Stones, as expressed by CADW, • to look at existing play areas in the vicinity <p>REASON: to afford the committee the opportunity of viewing the site in light of the above representation.</p>

5. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS.

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

W/34603	Siting of 4 no. Detached dwelling houses at land adjacent to, Ynysdawl, Heol Cwmmawr, Drefach, Llanelli, SA14 7AE
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6. PLANNING ENFORCEMENT AND MONITORING PERFORMANCE INDICATORS.

UNANIMOUSLY RESOLVED that the Planning Enforcement and Monitoring Performance Indicators report be received.

7. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 1ST JUNE, 2017.

UNANIMOUSLY RESOLVED that the minutes of the meeting held on the 1st June 2017 be signed as a correct record.

8. EXCLUSION OF THE PUBLIC

UNANIMOUSLY RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation)) Order 2007, that the public be excluded from the meeting during consideration of the following item as the report contained exempt information as defined in Paragraphs 12, 13, 17 & 18 of Part 4 of Schedule 12A to the Act.

9. PLANNING ENFORCEMENT AND MONITORING ENFORCEMENT CASES.

Following the application of the public interest test it was **UNANIMOUSLY RESOLVED**, pursuant to the Act referred to in Minute No. 8 above, to consider this matter in private, with the public excluded from the meeting as it would involve the disclosure of exempt information relating to the following;

- Paragraph 12 of Part 4 of Schedule 12A to the Act – Information relating to a particular individual;
- Paragraph 13 of Part 4 of Schedule 12A to the Act – Information which is likely to reveal the identity of an individual;
- Paragraph 17 of Part 4 of Schedule 12A to the Act – Information that reveals that the authority proposes;
- to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- to make an order or direction under any enactment.
- Paragraph 18 of Part 4 of Schedule 12A to the Act - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The public interest test in this matter related to the fact that the report contained information on cases where legal action was being contemplated against third parties, sometimes in situations where the third party was unaware of the action contemplated. The report included personal information relating to the third party, and sometimes identified a complainant. The public had an interest in being assured that the Council's general enforcement practices were lawful, fair and in accordance with its policies and procedures. However, if details relating to individual cases were to be disclosed to the public at this stage then it would be likely to jeopardise the investigation and may also breach the Authority's duty of confidentiality to a complaint. On balance therefore public interest in maintaining

the exemption outweighed the public interest in disclosing the information.

UNANIMOUSLY RESOLVED that the report of the Head of Planning on enforcement action undertaken by her in accordance with her delegated powers be noted.

CHAIR

DATE

PLANNING COMMITTEE 11TH JULY 2017

PRESENT: Councillor A. Lenny (Chair)

Councillors:

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

Also Present:

Councillors D. Cundy, S. Davies and G. Thomas who addressed the Committee in respect of Planning Application S/33342;
Councillor R. James who addressed the Committee in respect of Planning Application S/35542;
Mr Paul Murray, Park and Grounds Manager who addressed the Committee in respect of Planning Application S/35542;

The following Officers were in attendance:

J. Edwards, Development Management Manager
J. Thomas, Senior Development Management Officer [South]
K. James, Assistant Engineer Planning Liaison
S. Murphy, Senior Solicitor
J. Owen, Democratic Services Officer
P Emlyn, Member Support Officer

Chamber, County Hall, Carmarthen - 2.00pm - 5.40pm

(NOTE: at 5.00 p.m. the Committee's attention was drawn to Council Procedure Rule 9 – Duration of Meeting and, as the meeting had been underway for three hours it was **RESOLVED** to suspend standing orders to enable the Committee to complete the remaining business on the agenda day. At 4:20pm, the Committee adjourned for a 10 minute comfort break reconvening at 4.30p.m.)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L. Bowen, J. Lewis, and E. Williams.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
H.I. Jones	3.2 - Planning Application S/33342 Construction of 240 dwellings together with associated vehicular and pedestrian accesses, car parking and landscaping (Reserved Matters to Outline S/15702) at land at Genwen Farm, Bynea, Llanelli, SA14 9PH.	Not disclosed.

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/35029 - CHANGE OF USE OF AN OUTBUILDING TO 12 KENNELS AT DURCLAWDD FACH, LLANNON, LLANELLI, SA14 8JW

[Note: P.L. Emlyn left the Chamber during consideration of this item.]

The Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (Minute 4.1 of the Planning Committee held on the 29th June, 2017 refers) the purpose of which had been to afford the Committee the opportunity of assessing the potential for noise pollution to occur to neighbouring properties. He referred, with the aid of powerpoint slides, and addendum, to the written report of the Head of Planning which provided an appraisal of the site 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 noted that a noise report had been submitted in support of the application, together with a management plan which sought to ensure that noise was controlled and that third parties would not be adversely affected. The Committee also noted that the proximity of third party properties had been noted with the objector's property located some 90m to the South/South East of the site. Furthermore, given the small scale of the operation, it was not considered likely that there would be unacceptable noise impacts.

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

RESOLVED that planning application S/35029 be granted subject to the conditions detailed within the Head of Planning's written report.

3.2. S/33342 - CONSTRUCTION OF 240 DWELLINGS TOGETHER WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING AND LANDSCAPING (RESERVED MATTERS TO OUTLINE S/15702) AT LAND AT GENWEN FARM, BYNEA, LLANELLI, SA14 9PH

[NOTE: Councillor H.I. Jones, having earlier declared a personal interest in this application, left the meeting prior to the consideration and determination thereof.]

The Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (Minute 4.1 of the Planning Committee held on the 29th June, 2017 refers) the purpose of which had been to afford the Committee the opportunity of viewing the site in light of the representations as set out in the Head of Planning's report:-

- to gain an understanding of the developments potential impact upon the infrastructure in the area and the safety of residents.

- to view the proposed location of the sewerage tanks/pumps and the potential for overlooking to occur.
- to afford the whole of the committee the opportunity of visiting the site as, only 6 of its members were members of the previous planning committee which had visited the site in connection with the original outline planning application S/15702.

Prior to outlining the Head of Planning's report on the application, the Development Management Officer (South) reported that he had received two further letters of representation the contents of which were read to the Committee and concerns were addressed.

Reference was made, with the aid of powerpoint slides, and addendum, to the written report of the Head of Planning which provided an appraisal of the site 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 expressing concerns to the proposed development re-iterating the points detailed within the Head of Planning's report and included the following:-

- The development will be detrimental to the village of Bynea by way of increased risk of flooding and risk to public health because of the excessive demand placed on the public sewer.
- The methods of surface water disposal will have a detrimental impact upon Welsh Water's infrastructure and increase the risk of flooding to the lower parts of Bynea particularly when combined with periods of heavy rainfall.
- The development should not be permitted until Welsh Water can give assurance that sewerage infrastructure works in and around Bynea have been completed and that the sewerage system will be able to accommodate the additional demand.
- Highway safety concerns regarding the suitability of the surrounding road infrastructure to cater for the large volume of vehicular traffic that will be generated by the development and the impact upon local residents.
- The local area lacks general civic amenities including access to shops and recreational facilities as well as inadequate school place provision to cater for the additional service demand.
- The development would have a direct effect on traffic flow and congestion on roads within their neighbouring Community Council area as well as the whole area generally.
- Unacceptable increase in traffic flow and congestion along Heol y Mynydd and its junction with Penllwyngwyn Road.

- The inadequacy of the local highway network to accommodate the additional traffic and the impact upon highway safety. Particular reference is made to the highway and safety impacts along Genwen Road and Penygraig as well as Pendderi Road and Station Road.
- Proximity of the development to the properties of Llys Pendderi and the impact in terms of loss of privacy and the obstruction of existing views of the estuary.
- The lack of amenities in the area will result in the development being a car based community.
- The two and two and a half storey dwellings will be out of keeping with existing properties.
- Inadequate parking measures within the development.
- The need for a community hall within the development.
- The development would detract from the area bringing extra pressure on the local infrastructure rather than enhancing the area.
- The health and safety impacts of the sewage to be stored in the underground tank and its associated pumping station.
- The current waste water infrastructure cannot support the waste water produced by the site in heavy rain conditions and has not been guaranteed by Welsh Water.
- Impact of the volume of water being stored in the attenuation tanks upon the underlying water table.
- The number of road exits from the estate will create a hazardous highway.
- No public transport access to the site.
- The development proposed is not the same as agreed by the Planning Committee when they granted outline planning permission.
- The two and a half storey dwellings are not in keeping with the area and overlook existing neighbouring properties.
- The development does not meet the standards set out in the recent Well Being of Future Generations (Wales) Act 2015 which the County Council must abide by in that the safety of road users cannot be guaranteed and there is no solution to the extra traffic generated either in terms of safety or increased pollution (noise, traffic, air, dirt, flooding).
- Impact upon congestion on the M4 motorway
- Highway and safety impacts of the development
- Drainage impact of the development in terms of raising the water table
- Lack of infrastructure in the area such as health care, education and public transport.
- The sewerage system is inadequate and would not cope with the additional houses and result in the flooding of existing properties in Llwynhendy.

- The lack of parking spaces.
- Increased surface water run-off and flooding downslope of the site.
- Lack of consultation with neighbouring residents.
- Impact upon local surgeries.
- Impact upon the wildlife of the area including bats and birds.
- Loss of biodiversity and habitats – flora and fauna.
- Lack of capacity in local schools and no park to be provided.

The applicant's agent and the Development Management Officer (South) responded to the issues raised.

The Chair reminded the Committee that this application was seeking the approval of all the reserved matters for the proposed residential development granted outline planning permission under planning application reference S/15702 on 22nd December 2015. These included details relating to the proposed means of access, appearance, landscaping, layout, scale of the development and that the development would consist of 240 dwelling units made up of a mix of two, three and four bedroom properties.

RESOLVED that planning application S/33342 be granted subject to the conditions detailed within the Head of Planning's written report.

3.3. S/35542 - TO PROVIDE A FLAT PUBLIC PLAY AREA INCLUDING A CLIMBING STRUCTURE WEST OF THE GORSEDD CIRCLE IN PARK HOWARD AT PLAY AREA, PARC HOWARD, LLANELLI, SA15 3LQ

The Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (Minute 4.1 of the Planning Committee held on the 29th June, 2017 refers) the purpose of which had been to afford the committee the opportunity of viewing the site in light of the representations set out below:-

- assess the potential impact the 19 foot structure could have on the adjacent Gorsedd Stones as expressed by CADW,
- to look at existing play areas in the vicinity

Reference was made, with the aid of powerpoint slides, and addendum, to the written report of the Head of Planning which provided an appraisal of the site 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 expressing concerns over the following aspects of the proposed development which reiterated the points detailed within the Head of Planning's written report:-

- Unacceptable over-development of a heritage site and negative impact the development would have on the character of the site.
- The structure is not sympathetic for the area of the park, is visually dominant and would result in overdevelopment.
- The vista of this area of the park which includes the historic Gorsedd Stones would be destroyed.
- The views of the local people of Llanelli had not been taken into consideration. More sympathetic play areas should be included in the park which could encompass the history and ambience of the park.
- The space net is not required by the local community and would be a waste of money public which could be better spent on maintaining current provision within the park.
- Lack of justification for the current proposal.
- The area to the east of the Gorsedd Stones has already been destroyed by the Council fast tracking the building of this 'space net' originally without planning permission. There is already destruction on this site with no proposal made to return it to its former terrain.
- Health and safety concerns – would the structure be manned and would a trained first aider be on site?
- Will there be public liability insurance cover?
- Has a full geotechnical and mining survey been undertaken, and if so why did these not accompany the planning application?

The applicant's agent and the Development Management Officer (South) responded to the issues raised.

RESOLVED that planning application S/35542 be granted subject to the conditions detailed within the Head of Planning's written report.

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.