

# Document Pack



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**FRIDAY, 25 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 2.00 PM ON TUESDAY, 5TH SEPTEMBER, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Kevin Thomas</b>
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**EICH CYNGOR arleinamdani**  
[www.sirgar.llyw.cymru](http://www.sirgar.llyw.cymru)  
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[www.carmarthenshire.gov.wales](http://www.carmarthenshire.gov.wales)

# 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

Local Members invited to attend the meeting:-

- Agenda Item 3.3 - Councillor A. Fox
- Agenda Item 3.4 – Councillor G. John

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

# AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF PERSONAL INTERESTS
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/34537 - CONSTRUCTION OF 8 HOUSES TOGETHER WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING, LANDSCAPING, DRAINAGE AND OTHER ANCILLARY DEVELOPMENT AT LAND ON EASTERN SIDE OF HEOL BRONALLT, HENDY, LLANELLI. 5 - 24
  - 3.2 S/34071 - INERT WASTE PROCESSING CENTRE AT FORMER MORLAIS COLLIERY, PONTARDULLAIS ROAD, LLANGENNECH, LLANELLI, SA14 8YN 25 - 54
  - 3.3 S/35403 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO 32 ERW TERRACE, BURRY PORT, LLANELLI, CARMARTHENSHIRE, SA16 0DA 55 - 64
  - 3.4 W/35554 - NEW PUBLIC SQUARE, CAFÉ AND SMALL BUSINESS UNITS TO EXISTING PUBLIC REALM AT JACKSONS LANE SQUARE, CARMARTHEN, SA31 1QD 65 - 92

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<b>Application No</b>	<b>S/34537</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF 8 HOUSES TOGETHER WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING, LANDSCAPING, DRAINAGE AND OTHER ANCILLARY DEVELOPMENT AT LAND ON EASTERN SIDE OF, HEOL BRONALLT, HENDY, LLANELLI

<b>Applicant(s)</b>	GREENWAY HOMES DEVELOPMENTS, CAMBRIAN COMPLEX, YSTRAD ROAD, FFORESTFACH, SWANSEA, SA5 4HJ
<b>Agent</b>	,
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Hendy
<b>Date of validation</b>	11/10/2016

## CONSULTATIONS

**Head of Transport and Engineering** - Has raised no objection to the application subject to the imposition of suitable conditions on any permission granted.

**Head of Waste and Environmental Services (Land Drainage)** – Has confirmed his acceptance of the surface water drainage scheme proposed.

**Head of Public Protection and Housing** – Has raised no objection to the application.

**Coal Authority** – Have raised no objection to the application subject to the imposition of a condition on any permission granted securing the submission of a scheme of intrusive investigations to determine whether there are any coal mining constraints within the site and, where necessary, a remediation strategy to safely remediate any identified constraints.

**Dwr Cymru Welsh Water** – Have examined the drainage proposals submitted with the application and confirmed that they have no objection to the application.

**Natural Resources Wales** - Have confirmed that they have no objection to the development.

**Welsh Government (Transport Division)** – Have confirmed that they have no objection to the application.

**Llanedi Community Council** - Have objected to the application on the following basis:

- Existing drainage problems in the area, lack of capacity in the existing system and the flooding of existing properties.
- Loss of an important wildlife corridor.
- Highway problems along Bronallt Road which is a one way system with poor access.
- Traffic problems in Hendy particularly during peak periods will be exacerbated by the development.

**Local Member** - County Councillor G B Thomas has objected to the application on the following grounds and has requested that the Planning Committee undertake a visit to the site :

- The loss of a natural wildlife corridor for mammals, invertebrates and insects.
- The existing road infrastructure is not suitable to accommodate the development and is already at maximum capacity.
- Access to the site via Bronallt Road is very narrow with little or no room for pedestrians.
- Concern regarding the steep gradient of the new estate road particularly during periods of frost and snow.
- Concerns regarding the proposal to drain surface water from the development via attenuation tanks and soakaways given the gradient of the site. The development would increase the risk of flooding to the houses at Clayton Road which are located below the site.
- Potential for new springs to appear within the site as a result of a change to the soil structure during construction works.

**Neighbours/Public** – The application has been publicised with the posting of a number of site notices within the vicinity of the site. Subsequent amendments to the development as part of the application process and the submission of additional supporting information by the applicant also required a further re-consultation exercise whereby further site notices were posted in the area.

As a result of these publicity exercises, a number of third party letters of representation have been received from neighbouring residents who object to the application. Two signed petitions have also been received from local residents and interested parties in opposition to the development.

A number of letters of support have also been received in response to the application together with a further signed petition from local residents expressing their support of the development. The respondents support the provision of eco-friendly and affordable homes on the site and highlight that existing properties that have been built in the area are too expensive for most to afford.

The issues raised by the respondents who object to the application are summarised below:

- Highway impacts of additional traffic – narrowness of Bronallt Road which is one way and has a lack of footways.
- Increased traffic congestion on roadways including Iscoed Road and Fforest Road.
- Impact upon the junction of the M4 at Hendy.

- Dangerous access into and out of the site.
- The application is a first phase of 40 dwellings and combined with other proposed developments such as Clos Benallt it will have unacceptable traffic impacts.
- The development would change the rural character of the area and have a harmful urbanising effect.
- The proposal would constitute ribbon development.
- Houses don't compare to existing properties in the area and will be out of keeping with the area.
- The development will worsen existing surface water and sewage flooding of neighbouring properties in Clayton Road and Iscoed Road downslope of the site.
- The subsoil structure of the site is impermeable and will result in surface water flowing down the slope towards existing properties of Clayton Road and Iscoed Road.
- Concerns regarding the use of attenuation tanks and soakaways to remove surface water – seepage to properties at a lower level.
- Risks of landslips.
- Loss of a recreation area.
- Impact upon the Welsh language.
- Damage to neighbouring properties.
- Loss of trees and hedgerows and impact upon ecology.
- Loss of wildlife habitats.
- Park needs improving.
- Noise pollution to residents.
- Ground contamination – risk to human health.
- Lack of infrastructure – GP surgery, local schools etc.
- No need for additional housing given that a significant number of new houses are to be built in Pontardulais.
- Loss of privacy and light to existing properties.
- Loss of view.
- The drainage strategy report is questioned where the proposal includes an infiltration swale as a “factor of safety”
- Concern that the development would exacerbate any surface water run-off through increased ground water seepage and arises by the lateral movement of water.
- It is documented on the property particulars for certain houses on Clayton Road that there is a well in the field behind.
- Where is evidence to show that there are no underground streams beneath or below the application site.
- The presence past coal workings in the area can exacerbate ground water problems.
- The wisdom of vesting responsibility for the surface water system with a private company is questioned.
- The inclusion of an exclusion clause in the drainage report further heightens concerns expressed.

## **RELEVANT PLANNING HISTORY**

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

S/13659      Proposed residential development

Outline planning permission

30 July 2009

D5/4603

Residential Development  
Outline planning permission refused

13 March 1980

## **APPRAISAL**

**This application is subject to a Section 106 Agreement.**

**This is an application in which Carmarthenshire County Council has an interest in terms of land ownership of the highway upon which improvement works are proposed.**

## **THE SITE**

The application site consists of an irregular shaped parcel of land located off the eastern side of Bronallt Road in Hendy. It covers an area of approximately 0.56 hectares forming part of a larger field enclosure that extends eastwards from Bronallt Road towards the western edge of the Squirrel Walk and Golwg yr Afon housing estates to the east. The land consists of improved grassland.

The site has a road frontage of approximately 45 metres with Bronallt Road with the area flanking the road having a gentle fall in an easterly and southerly direction. The levels of the remainder of the site fall significantly towards its eastern and southern boundaries.

The site's western, northern and southern boundaries are defined by a mix of hedgerows, trees and fencing/walling. Its eastern boundary is undefined and merges with the remainder of the field enclosure. The site's frontage represents an undeveloped gap along Bronallt Road which is otherwise largely built up on both sides by residential development. The side and rear gardens of a number of these properties abut the northern and southern boundaries of the site.

The site is located in a primarily residential area with Bronallt Road being characterised by a mix of large detached properties as well as former local authority semi-detached housing principally to the north of the site. The latter is adjoined by a small park which abuts the northern boundary of the site. The Squirrel Walk and Golwg yr Afon housing estates are located to the east of the site and set at a significantly lower level. There is a further smaller field enclosure to the south of the site which slopes down towards the rear of the properties of Clayton Road to the south.

Parts of Bronallt Road have been included within the application site in the interests of providing a new footway along the roadway and securing the necessary visibility splays from the new access proposed.

## **THE PROPOSAL**

The application seeks full planning permission for the construction 8 detached dwellings together with associated access, parking, landscaping and drainage works. The scheme is to consist of 3 no. three bedroom houses, 1 no. 4 bedroom house and 4 no. five bedroom houses which are to be of a contemporary design. The proposal represents the first phase of a larger scheme to develop the remainder of the field enclosure and neighbouring field to the south with the overall development potentially providing circa 41 dwellings.



The layout of the development seeks to utilise the sloping nature and southerly aspect of the site while at the same time having regard to the character and amenity of existing neighbouring properties. Vehicular access is to be achieved via a new estate road that will extend through the site in a north easterly direction and egress onto Bronallt Road via a new T Junction. New footways are to be provided either side of the junction along Bronallt Road.

Three of the houses are to front onto Bronallt Road either side of the new access in order to create interest and reinforce the existing frontage of properties along the roadway. The remaining houses all front onto the new estate road with parking to the front and side and private garden areas to the rear. The houses are orientated in a southerly and south easterly direction to maximise the solar gain to the properties and the current outlook and views from the site. The former is reflected in the contemporary design of the houses with their monopitch roof designs and use of solar panel technology as well as the large glazed openings in their south facing elevations.

The three houses fronting Bronallt Road are of a two storey design to reflect those of existing neighbouring properties. Similarly, the three bedroom houses within the estate are of a two storey construction albeit a number are of a split level design to utilise the sloping nature of the site. The two larger five bedroom houses within the estate are of a three storey split level design to, again, utilise the change in levels within the site.

The elevations of the houses will consist of a mix of render, natural slate and oak cladding while the roofs will be clad with a grey standing seam system. The southerly elevations of the houses will include balcony features which have been sensitively designed to safeguard the amenity of adjacent properties. One of the principal objectives of the development is to use sustainable materials and techniques in order to minimise the carbon footprint of the scheme. The latter will include the use of measures such as solar PV systems, triple glazed windows and air source heat pumps.

Each house is to have a minimum of three off road parking spaces with a number of these being provided within integral and detached garages. The significant change in levels within the site will require significant cut and fill earthworks as part of the development and the estate road will have a 1 in 10 gradient through the development. Moreover, the layout will include retaining wall features within and around a number of the houses to accommodate the change in levels. Boundary treatment measures will include a mix of walling, fencing and hedging.

Pedestrian facilities are provided throughout the development with footways either side of the estate road while a footpath link is also provided to the nearby park.

The application has been accompanied by a range of supporting information which include the following:

1. Preliminary Ecological Appraisal.
2. Arboricultural Report.
3. Drainage Strategy Report.
4. Geotechnical and Geo-Environmental Site Investigation.
5. Dust Prevention Scheme.
6. Reptile Survey Report.

The site investigation report identifies a potential risk to ground stability from unrecorded shallow mine workings within the vicinity of the site and outlines a series of remediation measures to be implemented as part of the development.

The ecological appraisal confirms that the site is dominated by improved species-poor pasture which is considered to be of low ecological value. Notwithstanding this, it highlights that the site has potential to support foraging and commuting bats, badgers, birds and reptiles and makes a number of recommendations to mitigate the impacts of the development. At the same time, it provides a series of ecological enhancement measures such as the installation of bird and bat boxes which, alongside new landscaping proposals, will assist in enhancing the foraging, feeding and nesting opportunities within the site. Similarly, the reptile survey report sets out mitigation proposals to prevent any reptiles entering the construction site.

The arboricultural report presents the findings of a tree survey of the site and concludes that the site can accommodate the development whilst retaining the trees that are of amenity value on the perimeter of the site. The dust prevention scheme sets out a series of measures designed to minimise the impacts of construction works upon neighbouring residents.

The drainage report confirms that there are no watercourses within or close to the boundary of the site and that it falls outside the fluvial and tidal flood risk zones defined under TAN15. The report draws on the findings of the geotechnical and geo-environmental investigation of the site as well as an extensive programme of soakaway testing to inform the design of the surface water drainage strategy proposed to serve the development. These confirm that the majority of the site is underlain by approximately 3 metre depth of free-draining superficial deposits overlying the bedrock. Moreover, the underlying rock also displays a good degree of vertical permeability.

The surface water disposal strategy for the development is designed to mimic the existing drainage characteristics of the site whereby run-off will be dissipated into the ground at source via infiltration. This is to be achieved with the use of porous surfacing across the development which will allow rainfall infiltration into the ground surface at the point it hits the ground. All hard surface areas including the estate road, private driveways, patios and footpaths will be designed with discrete, individual sub-base infiltration areas and the roof areas of each individual property will discharge to the porous paving area within each respective property.

The scheme will utilise a 'Formpave' system for the estate road with the road being split into discrete zonal areas each with a flat infiltration base area. The overall scheme has been designed to achieve 'zero runoff' for a 1 in 100 yr plus 30% storm event. Notwithstanding this, the scheme will also include an integrated land drainage system that will act as a 'factor of safety' to intercept any overland flow and any shallow lateral ground water flow thus protecting the proposed on-site and existing properties downslope of the site. The system will include a series of land drains that will convey any flows to an infiltration swale to be constructed at the lowest point in the eastern periphery of the site. This land drainage network will be modified on any subsequent phases to suit the full development layout and will include the replacement of the swale with crate soakaways further downslope serving future phases. The roadway and soakaway systems are to be privately maintained.

It is of note that the original drainage strategy submitted with the application proposed that runoff from the estate road be collected and via gullies and discharged to a soakaway at the lowest point of the site. However, following discussions with officers of the Authority's land drainage team the scheme was amended to incorporate the 'Formpave' system described above.

In terms foul drainage, the three dwellings fronting Bronallt Road will connect to the public sewer in Bronallt Road. The remaining dwellings will drain to the existing sewer running north-south centrally down the site.

### **Community Benefits**

The applicants have agreed to enter into a Section 106 Agreement whereby they will provide the following level of contributions as part of the development.

1. Affordable Housing – one of the three bedroom detached dwellings on the site is to be provided as an affordable dwelling in accordance with the (10%) requirement of Policy AH1 of the LDP.

The Authority's Education Department have confirmed that the relevant catchment schools serving the site have surplus places and as such no commuted payment towards education is required. Furthermore, the Authority's Parks Manager has not requested a commuted payment towards the provision or improvement of play or open space facilities in the local area.

### **PLANNING POLICY**

#### **Local Development Plan (LDP)**

In the context of the Authority's current Development Plan the application site is located within the development limits of Hendy and is allocated for housing purposes under Policy H1 of the Plan.

The site forms part of housing allocation TR3/7/H5 in the Plan which relates to the wider field enclosure wherein it is located. The allocation is identified as being capable of accommodating 28 units. It is of note that the field enclosure to the south of the site is also allocated for housing purposes under reference T3/7/H4. This allocation is identified as being suitable for a further 20 units giving an overall figure of 48 units for both allocations. The current application relates to a first phase of 8 dwellings on housing allocation TR3/7/H5 and the applicant has provided an indicative layout of future phases which depicts an overall development of circa 41 units on both allocations.

Reference is drawn to the following policies of the Plan:

In terms of the Plan's strategic policy context, Policy SP1 promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP2 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 states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework wherein Hendy is identified as a Service Centre which is located on sustainable transport corridors and has a broad range facilities and services that provide for the needs of the settlement and wider local catchment.

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

Policy SP14 requires 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 SP17 states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP1 is a general policy which, amongst others, 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. Developments should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

Policy GP2 requires 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 states that the Council will, where necessary seek developers to enter into planning obligations or to contribute via the Community Infrastructure Levy to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. It goes on to state that the Council will seek a level of affordable housing of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub market areas. The application site falls within the 10% viability area.

Policy GP4 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 TR2 requires that developments which have the potential for significant trip generation should be located in a manner consistent with the Plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

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

Policy EQ4 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 in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Similarly, Policy EP1 requires that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters.

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

Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated. Furthermore, Policy EP6 states that in areas where land instability is known, proposals must be accompanied by a scoping report to ascertain the nature of the instability.

Policy REC2 requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards.

### **National Planning Policy**

Planning Policy Wales (PPW) (Edition 9, November 2016) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. The Welsh Government supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance.

The document refers to the Welsh Government's approach, as set out in its National Housing Strategy, to provide more housing of the right type and to offer more choice while ensuring that new housing and residential environments are well designed and make a significant contribution to promoting community regeneration and improving the quality of life. Further emphasis is placed on the requirement to ensure that new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Para 9.1.2 of PPW goes on to highlight that local planning authorities should, amongst others, promote sustainable residential environments that are easily accessible by public

transport, walking and cycling, have good access to employment, retail and other services and make the most efficient use of land.

PPW is supplemented by a continually updated series of Technical Advice Notes (TANs). The following TANs are relevant in the consideration of this application:

TAN 2 (Planning and Affordable Housing) provides guidance on the role of the planning system in delivering affordable housing.

TAN 5 (Nature Conservation and Planning) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN 12 (Design) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

TAN 15 (Development and Flood Risk) aims to direct new development away from those areas that are at high risk of flooding and defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

TAN 18 (Transport) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

TAN 20 (The Welsh Language) provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. In essence, the TAN advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

### **THIRD PARTY REPRESENTATIONS**

The application has attracted a large number of objections in the form of letters and signed petitions. A small number of letters of support have also been received as has a petition signed by local residents who support the application. The issues of concern raised by the respondents are addressed in the following appraisal.

A common ground of concern amongst the respondents is that the local highway network within the surrounding area is inadequate to accommodate the additional traffic generated by the development and the resulting detrimental impact upon highway safety. Many are of the perception that the narrowness of Bronallt Road and lack of pedestrian facilities long the same make it unsuitable to serve the development while others draw reference to it being a one-way route. Traffic congestion on the wider network of Iscoed and Fforest Road has also been raised as has the safety of the access into the site. Concerns have also been raised regarding the capacity of the nearby M4 motorway junction.

The Head of Transport having carefully assessed the proposal has raised no objection to the application from a highway capacity or safety perspective. He is satisfied that the local roads serving the site can safely accommodate the increase in traffic resulting from the proposed 8 new dwellings and that the access serving the development meets the requisite standards.

Concerns that access to the site will be via a one way system up Bronallt Road are misjudged in that the Highway Authority have recently implemented a Traffic Order which extends the current two-way traffic section at the northern end of Bronallt Road down beyond the proposed new access into the application site. This will, in effect, allow vehicles to access the development from either direction via Bronallt Road rather than having to follow the one way route to the south as suggested by the respondents.

In terms of pedestrian safety, whilst it is acknowledged that Bronallt Road does not have the benefit of a continuous footway on its northerly route up to the site, the general alignment of the road does nevertheless provide a good level of intervisibility whereby drivers are able to clearly see any pedestrians walking along the roadway. Moreover, pedestrians are only required to utilise the carriageway along short sections of the road where there is sufficient space to allow them to seek refuge from any traffic flows.

Concerns regarding the traffic impact of potential future phases of the development are not material in the determination of the current application which relates solely to the 8 dwellings proposed. Furthermore, Welsh Government have raised no concerns regarding the impact of the proposal upon the signalised junction of the M4 in Hendy.

The proposal is therefore considered to be in compliance with Policies SP9, GP1, and TR3 of the LDP in terms of the highway impacts of the development.

A further common ground of concern amongst respondents is that the development will lead to surface and foul water flooding of neighbouring properties downslope of the site. Particular reference is made to the flooding of properties in Clayton Road and Iscoed Road.

In terms of foul drainage, Welsh Water have raised no objection to the applicants' proposal to discharge foul water into the existing public sewer that crosses the site and the sewer located in Bronallt Road.

Turning to surface water drainage, the site has been the subject of detailed ground investigations and infiltration testing which have informed the final design of the scheme proposed. The scheme will dispose of surface water in a sustainable and controlled manner via the use of soakaway systems throughout the development while an integrated land drainage system is also provided as a 'factor of safety'. The Authority's land drainage engineers are satisfied that the scheme has been designed to mimic the current water drainage within the site and will cause no detriment to existing properties downslope of the site by way of surface water flooding. NRW have also raised no objection to the development in this regard subject to the appropriate maintenance of the scheme. As highlighted earlier in the report, the estate road and surface water drainage scheme are to be maintained by a private company and the applicant will be required to provide details of the same as part of the Section 106 agreement.

The Authority's land drainage engineers and NRW have raised no concerns regarding the potential creation of new springs within the site as a result the development.

The proposal is therefore considered to be in accord with the objectives of policies EP2 and EP3 of the LDP in that it will dispose of foul and surface water in an acceptable and sustainable manner without causing unacceptable harm to neighbouring properties or the wider water environment.

In terms of the respondents' ecology concerns, the ecological appraisal submitted in support of the application confirms that the site is of low ecological value. Notwithstanding this, the Authority's Planning Ecologist has recommended that the permission granted be conditioned to require the submission of an Ecological Management Plan designed to mitigate the impacts of the development while providing enhancement measures alongside new planting proposals. The development is also to be implemented in accordance with the recommendations of the Reptile Survey Report submitted in support of the application. The permission granted will therefore be conditioned in accordance with this advice to safeguard against any unacceptable ecological impacts and ensure compliance with the requirements of Policy EQ4 of the LDP. NRW have raised no objection to the application in this regard.

The issue of the impact of the development upon the amenity levels of neighbouring residential properties in terms of loss of privacy, light and potential overshadowing have been carefully examined as part of officers' assessment of the application. The separating distances and orientation of the new houses relative to the existing properties along Bronallt Road will avoid harmful overshadowing and loss of outlook or privacy. Similarly, although the proposed houses will be elevated above the existing properties of Golwg yr Afon and Squirrel Walk to the east of the site, the differing orientations of the existing and new properties combined with a separating distance of some 65 metres to the nearest existing property will safeguard against any unacceptable overshadowing or loss of privacy effects. Whilst it is accepted that the development will cause noise and disruption to neighbours during construction works, this will be temporary in duration.

As to the concerns regarding the urbanising impact of the development upon the surrounding area, the application site is allocated for residential development in the Authority's adopted LDP. Moreover, the density of the development falls within the parameters of the allocation set out in the Plan. In addition, whilst a number of respondents have referred to the proposal as ribbon development, the estate form and layout of the development is such that it would clearly not constitute such a development or result in a linear extension of the settlement.

The general scale, design and spatial layout of the development are considered to be acceptable within the context of the surrounding pattern of development which consists of a mix of dwelling types and densities. Although the dwellings exhibit a bespoke and contemporary appearance in comparison with existing properties in the locality, the high quality design of the houses combined with the palette of external finishes and hard and soft landscaping will result in the creation of an attractive residential estate that will complement and enhance the visual amenity of the surrounding area.

The development will provide a mix of dwelling types and sizes that will be well related to the built form of the settlements of Hendy and Fforest and their associated services and facilities. Furthermore, new development will benefit from good levels of accessibility to public transport being close to a number of bus services in the local area.

The development therefore accords with policies SP1, SP2, SP3, GP1, EP2, TR2 and TR3 in terms of its sustainability and impact upon the surrounding area.

A number of respondents have concerns regarding the impact of the development upon local services and facilities such as schools and health facilities and question whether sufficient capacity exists to accommodate the development. As highlighted above, the site is well related to the range of services and facilities available in Hendy as well as those in



the wider areas of Pontardulais and Llanelli. The relevant catchment schools serving the settlement have surplus places that can accommodate a development of the scale proposed. Furthermore, it is envisaged that the range of health care services available in the wider area including doctor's surgeries and hospital facilities will be able to accommodate the development.

Turning to concerns regarding the stability of the site, the Coal Authority who have recommended the imposition of a condition requiring the submission of a scheme of intrusive investigations and, where necessary, a remediation strategy to safely remediate any identified constraints. The permission granted will be conditioned in accordance with their advice.

It is not envisaged that a development of the scale proposed will have an impact upon the long terms viability of the Welsh language as suggested by a number of respondents. To the contrary, the provision of a mix of dwelling types and sizes including an affordable unit will make a positive contribution towards retaining young potentially Welsh speaking residents in the local area.

The Head of Public Protection has raised no objection to the application from a ground contamination perspective while concerns that the development will result in the loss of a recreation area are unfounded in that the site is in private ownership. With regard to the perceived need to improve existing parks in the area, the Authority's Parks Manager has not requested a commuted payment towards the same as part of the development.

Finally, matters raised regarding loss of existing views and damage to neighbouring properties are not material in the determination of the application.

## **CONCLUSION**

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the proposal is considered to represent an acceptable form of residential development that will be in keeping with and complement the general character and appearance of the surrounding area. The site is allocated for housing purposes and its development complies with the key policy and sustainability objectives of the Authority's adopted Local Development Plan and National Planning Policy.

The general design and layout of the scheme are acceptable and will provide a high quality development that will respond well to the site's setting in the wider area. The permeability of the site in terms of vehicular and pedestrian links together with the mix of parking solutions and quality boundary treatment measures will reinforce the attractiveness of the scheme.

The development will provide a range and choice of housing types and sizes that will be well related to the existing services and facilities in Hendy and the wider Pontarddulais and Llanelli areas as well as being within easy access of existing public transport facilities and the M4 motorway.

The proposal also satisfies the sustainability requirements of the LDP from an environmental quality and utility provision perspective by implementing a drainage strategy that will dispose of foul and surface water in a sustainable and controlled manner.

Furthermore, and as outlined in the appraisal above, there are no highway, amenity, or ecological objections to the development

Accordingly, the application is put forward with a favourable recommendation subject to the successful completion of a Section 106 Agreement securing the community benefits outlined above.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
  - Location plan referenced PAS01 REV 01 received on 29 June 2017
  - Block Plan Phase 1 drawing referenced PAS02 REV 04 received on 21 July 2017.
  - Existing levels drawing referenced PAS56 REV 0 received on 29 June 2017.
  - Proposed levels drawing referenced PAS57 REV 02 received on 21 July 2017.
  - Visibility splays drawing referenced PAS50 REV 03 received on 29 June 2017.
  - Parking and splays drawing referenced PAS50a REV 03 received on 21 July 2017.
  - Pedestrian visibility splays drawing referenced PAS50b REV 04 received on 21 July 2017.
  - Vertical visibility envelope drawing referenced PAS50c REV 01 received on 29 June 2017.
  - Drainage Strategy Report referenced C0675/R2 dated June 2017 received on 29 June 2017.
  - Plot 6 Ground floor drawing referenced PAS29 REV01 received on 20 December 2016.
  - Plot 6 First Floor Plan drawing referenced PAS30 REV 01 received on 20 December 2016.
  - Plot 6 Roof plan drawing referenced PAS33 REV 01 received on 20 December 2016.
  - Plot 6 Elevations drawing referenced PAS31 REV 01 received on 20 December 2016.
  - Plot 6 Cross Sections drawing referenced PAS32 REV 01 received on 20 December 2016.
  - Reptile Survey Report referenced GHD081116 received on 15 November 2016.
  - Dust Pollution Prevention Statement dated November 2016 received on 29 June 2017.

- Plot 7 elevations referenced PAS 38 REV 02 received on 18 July 2017.
- Plot 7 elevations referenced PAS 39 REV 02 received on 18 July 2017.
- Plot 7 basement plan referenced PAS 34 REV 02 received on 19 July 2017.
- Plot 7 ground floor plan referenced PAS 35 REV 02 received on 19 July 2017.
- Plot 7 garage plan referenced PAS 37 REV 02 received on 19 July 2017.
- Plot 7 first floor plan referenced PAS 36 REV 02 received on 19 July 2017.
- Plot 7 roof plan referenced PAS 41 REV 02 received on 19 July 2017.
- Plot 7 section referenced PAS 40 REV 02 received on 19 July 2017.
- Plot 8 elevations referenced PAS 46 REV 02 received on 21 July 2017.
- Plot 8 elevations referenced PAS 47 REV 02 received on 21 July 2017.
- Plot 8 basement plan referenced PAS 42 REV 02 received on 21 July 2017.
- Plot 8 ground floor plan referenced PAS 43 REV 02 received on 21 July 2017.
- Plot 8 garage plan referenced PAS 45 Rev 02 received on 21 July 2017.
- Plot 8 first floor plan referenced PAS 44 REV 02 received on 21 July 2017.
- Plot 8 roof plan referenced PAS 49 REV 02 received on 21 July 2017.
- Plot 8 section referenced PAS 48 REV 02 received on 21 July 2017.
- Plot 1 elevations referenced PAS 06 REV 01 received on 26 September 2016.
- Plot 1 first floor plan referenced PAS 05 REV 01 received on 26 September 2016.
- Plot 1 ground floor plan referenced PAS 04 REV 01 received on 26 September 2016.
- Plot 1 roof plan referenced PAS 08 REV 01 received on 26 September 2016.
- Plot 1 typical section referenced PAS 07 REV 01 received on 26 September 2016.
- Plot 1 garage elevations referenced PAS 57 REV 02 received on 21 July 2017.
- Plot 1 garage plan referenced PAS 56 REV 02 received on 21 July 2017.
- Plot 1 garage roof plan referenced PAS 58 REV 02 received on 21 July 2017.
- Plot 2 elevations referenced PAS 11 REV 01 received on 26 September 2016.
- Plot 2 first floor plan referenced PAS 10 REV 01 received on 26 September 2016.
- Plot 2 ground floor plan referenced PAS 09 REV 01 received on 26 September 2016.
- Plot 2 roof plan referenced PAS 13 REV 01 received on 26 September 2016.
- Plot 2 typical section referenced PAS 12 REV 01 received on 26 September 2016.

- Plot 3 elevations referenced PAS 16 REV 01 received on 26 September 2016.
- Plot 3 first floor plan referenced PAS 15 REV 01 received on 26 September 2016.
- Plot 3 ground floor plan referenced PAS 14 REV 01 received on 26 September 2016.
- Plot 3 roof plan referenced PAS 18 REV 01 received on 26 September 2016.
- Plot 3 sections referenced PAS 17 REV 01 received on 26 September 2016.
- Plot 4 elevations referenced PAS 21 REV 00 received on 26 September 2016.
- Plot 4 first floor plan referenced PAS 20 REV 00 received on 26 September 2016.
- Plot 4 ground floor plan referenced PAS 19 REV 00 received on 26 September 2016.
- Plot 4 roof plan referenced PAS 23 REV 00 received on 26 September 2016.
- Plot 4 section referenced PAS 22 rev 01 received on 26 September 2016.
- Plot 3 and 4 garage elevations referenced PAS 51 REV 01 received on 26 September 2016.
- Plot 3 and 4 garage plan referenced PAS 50 REV 01 received on 26 September 2016.
- Plot 3 and 4 roof plan referenced PAS 52 REV 01 received on 26 September 2016.
- Plot 5 elevations referenced PAS 26 REV 00 received on 26 September 2016.
- Plot 5 first floor plan referenced PAS 25 REV 00 received on 26 September 2016.
- Plot 5 garage elevations referenced PAS 54 REV 01 received on 26 September 2016.
- Plot 5 garage plan referenced PAS 53 REV 01 received on 26 September 2016.
- Plot 5 garage roof plan referenced PAS 55 REV 01 received on 26 September 2016.
- Plot 5 ground floor plan referenced PAS 24 REV 00 received on 26 September 2016.
- Plot 5 roof plan referenced PAS 28 REV 00 received on 26 September 2016.
- Plot 5 section referenced PAS 27 REV 00 received on 26 September 2016.
- Geotechnical and Geo-Environmental Site Investigation Report referenced 13706 received on 27 September 2016.
- Preliminary Ecological Appraisal prepared by ECOSA dated August 2016 received on 26 September 2016.

3 The parking spaces and layout shown on the plans herewith approved shall be provided in accordance with the details shown 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.

- 4 Prior to the occupation of the dwellings the required access roads and footpaths leading from the existing public highway to the respective units shall be laid out and constructed in accordance with the details shown on the drawings hereby approved.
- 5 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should 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 site 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 should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 6 The foul and surface water drainage scheme proposed to serve the development shall be undertaken in strict accordance with the details contained in the Drainage Strategy Report referenced C0675/R2 dated June 2017 received on 29 June 2017.
- 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 include the indication of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, together with detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 8 No development shall take place until an intrusive site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the intrusive site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the intrusive site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained for the lifetime of the development.
- 9 No development or site clearance shall take place until Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the landscape and ecological contained in the ecological assessment prepared by ECOSA dated August 2016 and received on 26 September 2017.

- 10 The development hereby approved shall be undertaken in strict accordance with the recommendations contained within section 6.0 of the reptile survey report referenced Doc. Ref: GHD081116 received on 15 November 2016
- 11 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 12 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 20.0 metres from the nearside edge of the carriageway.
- 13 Prior to any use of the accesses onto Bronallt Road by vehicular traffic, visibility splay of 2.4 metres x 59 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access roads 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.
- 14 Prior to any use of the shared private drive serving plot nos. 3 and 4 by vehicular traffic, a visibility splay of 2.4 metres x 25 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 0.6m within this splay area.
- 15 Prior to occupation of the dwellings hereby approved, a tactile crossing point shall be created crossing Bronallt Road at the northern end of the footway provided to the front of plot no. 3. The work shall be completed to the written approval and specification of the Local Planning Authority.
16. The Detailed Landscape Design Scheme as submitted to discharge condition 7 shall be fully implemented prior to the occupation of any dwelling on the development site. 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.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out
- 3-4 In the interests of highway safety.
- 5 To prevent the pollution of the environment
- 6 To ensure the installation of an appropriate drainage scheme and to prevent the pollution of the environment.

- 7 To ensure the provision, establishment and maintenance of a suitable landscape scheme.
- 8 To ensure any ground instability issues are dealt with in an acceptable manner.
- 9-10 To safeguard against unacceptable biodiversity impacts.
- 11-15 In the interests of highway safety.
- 16 To ensure the provision, establishment and maintenance of a suitable landscape scheme.

## **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 proposal complies with Policy H1 of the LDP in that it is allocated for residential development.
- The proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- The proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and will not cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with Policy EQ1 of the LDP in that it will not adversely affect landscapes, townscapes and features of historical or archaeological interest.
- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.
- The proposal complies with Policies AH1 and GP3 of the LDP in that the applicant/developer will contribute towards community benefits as part of the development.
- The proposal complies with Policy EQ4 and SP14 in that the development will not cause demonstrable harm to priority species or their habitats and the natural environment.
- The proposal complies with Policy EP3 of the LDP in that adequate surface water disposal methods can be put in place.
- The proposal complies with Policy GP4 and EP2 in that will be served by adequate infrastructure and not pose an unacceptable risk to the natural environment.

## **NOTES**

- 1 The applicant/developer is advised that the outline application relating to this development is the subject of a Section 106 Agreement requiring an element of affordable housing within the development and the payment of commuted sums to the Council in respect of improvements to educational and recreational facilities in the locality and improvements to the local highway and surface water drainage networks.
- 2 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 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 outline in the specific condition).

- 4 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.
- 5 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.



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

<b>Applicant(s)</b>	BROWNS RECYCLING GROUP LTD - STEVE BROWN, C/O AGENT,
<b>Agent</b>	JCR PLANNING LTD - JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
<b>Case Officer</b>	Tom Boothroyd
<b>Ward</b>	Hendy
<b>Date of validation</b>	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 7916m<sup>3</sup> 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 1313.237m<sup>3</sup> - 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](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

## ADDENDUM – Area South

<i>Application Number</i>	<b>S/34071</b>
<i>Proposal &amp; Location</i>	INERT WASTE PROCESSING CENTRE AT FORMER MORLAIS COLLIERY, PONTARDULAIS ROAD, LLANGENNECH, LLANELLI, SA14 8YN

### **DETAILS:**

#### **CONSULTATIONS**

**Local Member:** Additional comments have been received from the County Councillor for the area, Councillor Gwyneth Thomas, the Councillor also requested to speak, her comments are shown below

*“As a County Councillor for the Llangennech Ward I wish to record my objections to the planning application S/34071 for an Inert Waste Processing Centre at the former Morlais Colliery Site, Pontarddulais Road, Llangennech. My concerns are regarding highway safety and increased HGV traffic along the A4138 which is known to be one of the busiest roads within the County. There will be 48 vehicle journeys into the site and 18 journeys out if the site daily which I believe will cause increased problems at the junction between the A4138 and the B4297 at the Talyclun lights where there are regular long traffic queues. This proposed development will also add to the already congested junction 48 of the M4 motorway. There will be increased danger to pedestrians and other road users and the access to the site appears inadequate to accommodate the additional daily HGV vehicle journeys.*

*I would like to address the planning committee at the meeting on 24th August.*

<b>Application No</b>	<b>S/35403</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO, 32 ERW TERRACE, BURRY PORT, LLANELLI, CARMARTHENSHIRE, SA16 0DA

<b>Applicant(s)</b>	CARMARTHENSHIRE COUNTY COUNCIL - MR JASON JONES, RURAL BUSINESS DEVELOPMENT CENTRE, NANT Y CI, CARMARTHEN, SA33 5DR
<b>Agent</b>	,
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Burry Port
<b>Date of validation</b>	12/04/2017

## CONSULTATIONS

**Head of Transport** – No objection subject to conditions.

**Land Drainage Officer** – No response received to date.

**Pembrey and Burry Port Town Council** – No response received to date.

**Local Members** – County Councillor J James agrees with the concerns raised by local residents in terms of parking and the suitability of the site for residential development. He respectfully requests that the Planning Committee undertake a site visit prior to determining the application.

As the application was registered in April 2017 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.

**Dwr Cymru/Welsh Water** – No objection subject to the imposition of conditions and advisory notes on any planning permission granted.

**Natural Resources Wales** – No objection.

**The Coal Authority** – No objection subject to conditions.

**Neighbours/Public** – 7 no. neighbouring properties consulted on the application. To date 13 letters of representation have been received raising the following concerns and objections:-

- Loss of car parking – this is the current and intended use for the site to meet the parking needs of Penybryn Avenue and Erw Terrace residents. There is insufficient on street parking available to meet parking needs and the houses in this area do not benefit from any other form of off street parking. Vehicles that currently park on the application site will be forced to park on street at Penybryn Avenue and Erw Terrace exacerbating the current situation.
- The residents understood that following the demolition of the former garages which were originally built in the 1950's the County Council was going to re-surface the site for use as car parking. This has not been done and the Council now seek to develop the site and remove such a facility in its entirety with no alternative provision proposed. The site has been left to become overgrown but is still used by residents for parking purposes.
- In the absence of a parking area, residents will be forced to park on the turning head at Penybryn Avenue forcing residents to reverse out towards the junction with Erw Terrace thus creating a highway and pedestrian safety risk. Cars will also be parked part on the pavements obstructing use by pedestrians and particularly people with disabilities and parents with buggies.
- Cars parked on the pavements and turning area will also block access for emergency vehicles, delivery vehicles and refuse collection lorries.
- The layout of properties at Erw Terrace and Penybryn Avenue reflect an age when vehicles were far less prevalent and modern levels of car ownership have exacerbated the situation. This position is extremely apparent at the cul-de-sac at the end of Erw Terrace, directly adjacent to the proposed development where gridlocks occur and vehicles undertake lengthy reversing manoeuvres as there is no turning facility. Parking on the pavement on Erw Terrace is a normal occurrence to assist easier access, but to the detriment of pedestrians.
- Increased traffic associated with proposed development.
- The proposed dwellings could be re-aligned at right angles to that shown ensuring that they could be accessed from one point of access only.
- Adverse impact upon the amenity of existing residents by virtue of the above concerns in relation to access and parking and also on grounds relating to scale and overbearance.
- The proposal is contrary to the planning policies contained within the Adopted Local Development Plan.
- Land ownership dispute
- Devaluation of property.
- Surface water drainage concerns
- Capacity concerns in relation to foul drainage.
- Japanese knotweed contamination
- Any development on this site will need to ensure the stability of surrounding ground
- Badger activity in the area.
- Utility posts and street lights will need to be altered and moved as part of this development. This needs to be considered at the planning application stage.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history.



## **APPRAISAL**

**This is an application which Carmarthenshire County Council has an interest in terms of being applicant and landowner.**

**This application is subject to a Section 106 Agreement**

## **THE SITE**

The application site consists of an almost rectangular parcel of land located at the eastern end of Erw Terrace and Penybryn Avenue in Burry Port. This site which currently has a vehicular access on to Penybryn Avenue to the south, previously housed Council owned domestic storage garages used by local residents. These garages were demolished approximately 10 years ago and since that time the site has become partly overgrown however it is apparent that the hardstanding areas are still used for parking purposes by some residents.

The application site which is in excess of 50 metres in length by approximately 18 metres in width is largely level however the land does rise up towards Erw Terrace to the north, and falls away towards Dandorlan Road to the east. A footpath link runs adjacent to the western boundary of the application site connecting Erw Terrace to the north with Penybryn Avenue to the south.

## **THE PROPOSAL**

The application seeks outline planning permission for residential development with all matters reserved for future consideration. The indicative scheme submitted for consideration depicts two back to back dwellings, one fronting and accessed from Penybryn Avenue to the south and the other fronting and accessed from Erw Terrace to the north in line with the existing street pattern. Each dwelling is shown to have its own off street parking arrangement.

The planning statement states the change in topography off Erw Terrace potentially allows for a split level dwelling with two storey façade on to Erw Terrace, whilst the dwelling at Penybryn Avenue would be typically two storey. The scale parameters outlined in the proposed dwellings between 6m and 10m in depth, 8m to 12m in width and a ridge height between 7m to 10m.

The application has been accompanied by a Planning Statement, Coal Mining Risk Assessment and Tree Survey report.

## **PLANNING POLICY**

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 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 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 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 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 a proposal a commuted sum financial requirement is relevant.

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 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.

### **THIRD PARTY REPRESENTATIONS**

As aforementioned in this report, 13no. letters of objection have been received from neighbouring properties whilst the concerns raised have been supported by one of the local County Councillors. The material reasons for concern and objection raised will now be addressed individually as part of this appraisal, however the matters in relation to devaluation of property, relocation of utility posts and street lights, and land ownership are not considered to be material planning considerations. With respect to the latter the applicant has confirmed in writing that the land contained within the application site red line is wholly within their ownership.

The main reason for objection raised relates to highway and pedestrian safety. The objectors state that the proposed development will result in the loss of a well-used car parking area, thereby forcing residents to park on street at both Penybryn Avenue and Erw Terrace exacerbating the existing on street parking situation. This will result in increased reversing movements and parking on pavements, and will block access for emergency, delivery and refuse vehicles.

In relation to these points reference is primarily drawn to the consultation response received from the Authority's Head of Transport who raises no objection towards the proposed development subject to the imposition of a number of conditions on any planning permission granted.

Both Erw Terrace and Penybryn Avenue are residential streets, are not through roads and therefore the level of traffic using these streets reflect this fact. Whilst the LPA would acknowledge that such residential areas were developed at a time when cars were less prevalent, something that is not uncommon, some existing residential properties along both Erw Terrace and Penybryn Avenue benefit from having off street parking whilst there are no on street parking restrictions preventing on street parking in the wider area.

As aforementioned in this report the application site used to house garages which would have been rented out to local residents for use, however these were demolished approximately 10 years ago. It appears that the site is still used on an informal basis for parking however the application site does not provide a formalised car parking arrangement as would have been the case when the garages were in existence. Such informal parking could be prevented at any time by the landowner. It is noted that some of the objectors have stated that the Council had agreed to re-surface the site following demolition of the garages in order to provide a more formalised car park. The LPA is unaware of such an agreement and must determine the application on its current form and merit.

The indicative layout submitted with the application indicates that one dwelling will be accessed off Penybryn Avenue and the other off Erw Terrace. Such a development will not significantly result in an increased level of traffic using both residential streets. The Authority's Head of Transport has requested a condition which limits only one dwelling being accessed off Erw Terrace. Both proposed dwellings will have their own off street parking arrangement and thus the only increase in on street parking will be associated from the displacement of the vehicles currently informally parked within the application site. As already mentioned, such vehicles will instead have to park on the surrounding network of streets which do not have parking restrictions.

With regards to the concern raised over loss of amenity by virtue of scale and overbearance, Members are reminded that the current application is in outline form only

with all matters reserved for future consideration. The indicative plans and scale parameters provided with the application depict dwellings which are of a scale and layout considered in-keeping with the existing dwellings in the locality. Detailed consideration to matters of scale and design will be given due consideration as part of any subsequent reserved matters submission.

In terms of drainage, the applicant has indicated that surface water is to be disposed of via soakaways, which is considered to be an acceptable and sustainable form of disposal. A condition can be imposed on any planning permission granted requiring a detailed scheme of surface water disposal for subsequent approval. The Authority's Land Drainage Officer has been consulted on the application and has provided no comments to date.

The proposed means of foul water is to the mains sewer, which again in the most appropriate means, and Dwr Cymru/Welsh Water has raised no objection on capacity grounds.

One objector has raised concern over the stability of surrounding ground. In relation to this issue it is worth noting that the application was accompanied by a Coal Mining Risk Assessment Report as the site is located in an area of past mining activity. The report recommends that intrusive ground investigations are carried out to investigate ground conditions and the depth and condition of any shallow coal seams. In response to this report the Coal Authority has welcomed such precautionary measures and raises no objection towards the proposed development subject to the imposition of a condition on any planning permission granted to this effect.

With regards to the concern raised over Japanese Knotweed it is recommended that a standard condition is imposed on any planning permission granted requiring the submission of a scheme of eradication where relevant.

Finally, one objector has stated that he has seen a Badger foraging at the site. In this respect there are no ecological constraints or records relating to the application site, whilst Natural Resources Wales and the Authority's own Planning Ecologist have not raised any objection.

## **CONCLUSION**

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

The indicative plans submitted depict that the application site can adequately accommodate two modestly sized detached 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. The proposed dwellings will be of a modest size and can be located an appropriate distance away from adjacent well established residential dwellings.

In accordance with Policy AH1 of the Adopted Local Development Plan, the applicant has agreed to provide a financial commuted sum contribution towards affordable housing, and

this will be secured as part of the Contract of Sale. As this is an outline application only at this stage, the contribution will be levied at £58.78 per sqm of internal floorspace which is relevant contribution in this area of Burry Port.

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.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted relates to the land defined by the 1:1250 location plan and 1:500 scale block plan received on the 18<sup>th</sup> October, 2016
- 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 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 5 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Erw Terrace Road frontage within 2.0 metres of the near edge of the carriageway.
- 6 The access shall be hard surfaced for a minimum distance of 5.0 metres behind the nearside edge of carriageway, 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.
- 7 Prior to the commencement of any part of the development herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the Erw 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.
- 8 A maximum of 1.no dwellings shall be accessed via Erw Terrace.
- 9 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.

- 10 No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a period for its implementation; and
  - iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11 Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:-
- \* The submission of a scheme of intrusive site investigations for approval;
  - \* The undertaking of that scheme of intrusive site investigations;
  - \* The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring;
  - \* The submission of a scheme of remedial works for approval.

Thereafter the approved scheme, including any remedial measures identified shall be implemented strictly in accordance with the detail submitted

- 12 No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of tree T1 shown to be retained on the Tree Survey Plan and Schedule received by the Local Planning Authority on the 6<sup>th</sup> April, 2017. The approved scheme shall subsequently be implemented in strict accordance with the detail submitted.
- 13 The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate and prevent the spread of invasive species has been submitted to and approved in writing by the local planning authority. Furthermore works should be implemented in accordance with the approved scheme.

## 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.
- 4-9 In the interest of highway safety.
10. To secure an appropriate and sustainable form of surface water disposal.
11. In the interest of land stability and health and safety.
12. To protect a mature Ash tree.
- 13 To eradicate and prevent the spread of an invasive species.

## **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 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 SP17 of the LDP in that the proposed development will be served by appropriate infrastructure
- 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 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 development 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 the applicant has agreed to provide a commuted sum financial contribution towards affordable housing

- 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 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

## NOTES

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website
- 2 Any prospective purchaser(s) of the land referred to in this Planning Permission will be required in the Contract of Sale to enter into a S106 Agreement with Carmarthenshire County Council for the provision of a financial contribution towards the provision of affordable housing in the locality. The contribution will be calculated upon the basis of a payment of £58.78 per square metre of internal floor space of the dwelling proposed.
- 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.



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

<b>Applicant(s)</b>	CARMARTHENSHIRE COUNTY COUNCIL – MIKE BULL, RURAL BUISNESS DEVELOPMENT CENTRE, NANT-Y-CI, CARMARTHEN, SA33 5DR,
<b>Agent</b>	CAPITA – MR JAMES MORRIS, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5BF,
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	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 20<sup>th</sup> July 2017
  
  - 1:200 scale Proposed Site Sections (400012)
  
  - received on 28<sup>th</sup> 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 15<sup>th</sup> 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 13<sup>th</sup> June 2017

- Historic Environmental Appraisal

received on 24<sup>th</sup> 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 19<sup>th</sup> 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 16<sup>th</sup> 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](http://www.carmarthenshire.gov.uk)).

## ADDENDUM – Area West

<i>Application Number</i>	<b>W/35554</b>
<i>Proposal &amp; Location</i>	NEW PUBLIC SQUARE, CAFÉ AND SMALL BUSINESS UNITS TO EXISTING PUBLIC REALM AT JACKSONS LANE SQUARE, CARMARTHEN, SA31 1QD

### **DETAILS:**

**Local Member** - Cllr Gareth John, Carmarthen Town South

“To Members of the Planning Committee

It had been my intention to exercise my right as local member to attend and address Planning Committee prior to the determination of the above mentioned application. Unfortunately, due to family commitments, I am unable to personally attend. I would therefore respectfully request and greatly appreciate if my comments could be made known to the Planning Committee prior to a decision being made.

Based on various formal and informal consultation exercises undertaken over a number of years, together with the views expressed during the current statutory process, I am firmly of the opinion that an overwhelming majority of people recognise and support the fundamental aim of the proposed scheme (namely providing an effective link between the thriving new shopping centre and the struggling older quarter especially King Street).

Likewise residents and traders alike readily accept that there is an urgent need to increase footfall to and along King Street to ensure a more favourable trading environment.

Having studied the application, taken on board the views of those who have over recent months publicly commented both for and against the proposals and the submitted objections I have concluded, that on balance, I am in agreement with the main elements of the submitted scheme.

That said, I totally respect and understand the concerns expressed and in several cases agree. I would therefore respectfully suggest that committee give the following particular consideration.

- 1) I would be totally opposed to the disappearance of the areas of green space at the bottom of Jacksons Lane. The disappearance of the last grassed area in the town centre has been the subject of a great deal of debate somewhat needlessly in my opinion as the submitted plans clearly show the retention of grassed areas of land. Committee may wish to reassure people that this is indeed the case
- 2) I feel that comments made in respect of the unsuitability of the chosen stone work finish are very valid. Given the scheme’s aim of joining the new with the old I agree that it would be far more appropriate to use local stone-work. The same could be said about the lighting furniture.
- 3) I would suggest that Committee impose operational conditions to mitigate any risk of potential noise nuisance impacting upon residents in the close vicinity”

**Neighbours/Public** – A further letter of objection has been received that relates to issues already covered within the Planning Report.