

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH ADFYWIO A
HAMDDEN**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF REGENERATION
AND LEISURE**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 08 HYDREF 2015
ON 08 OCTOBER 2015**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal Del/
Area South*



**Cyngor Sir Gâr
Carmarthenshire**
County Council



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	8 OCTOBER 2015
REPORT OF:	HEAD OF PLANNING

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S/30698	Replacement barn for business use and one holiday let at barn at Capel Ifan Farm, Heol Capel Ifan, Pontyberem, Llanelli, SA15 5HF

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/27547
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Application Type	Full Planning
Proposal & Location	DETACHED DWELLING AND DETACHED GARAGE - REDESIGN OF THAT PREVIOUSLY APPROVED INCORPORATING PLOTS 9 & 10 AT 9 GLASFRYN GARDENS, LLANELLI, CARMS, SA15 3LL

Applicant(s)	MR & MRS G PARKER, C/O PARKER BROS, GLYNCOED YARD, HALFWAY, LLANELLI, CARMS
Agent	PENGRAF, 4 SPOWART AVENUE, LLANELLI, CARMS, SA15 3LA
Case Officer	Robert Davies
Ward	Lliedi
Date of validation	19/12/2012

CONSULTATIONS

Llanelli Town Council – No objection.

Local Members - County Councillor B Thomas and County Councillor J Williams have not commented to date.

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

The Coal Authority – Following the submission of information from the applicant which confirms that the site has been treated and stabilised against the hazards of shallow mine workings, the Coal Authority has raised no objection towards the proposed development. The Coal Authority considers that the stabilisation works are sufficient for the purposes of the planning system and meet the requirements of Planning Policy Wales in demonstrating that the application site is safe and stable for the proposed development.

Neighbours/Public – 10no. neighbouring properties consulted on the original application and re-consulted on amended plans received. 4no. neighbouring properties have responded raising the following concerns and objections:-

- The house is on land that has been raised and is far too high compared to other homes on the development. The height of the property is overbearing on the surrounding properties of Glasfryn Gardens and therefore the level of the proposed property should

be lowered. If this cannot be done then the levels shown on the plans should be adhered to.

- The dormer windows are completely out of keeping with other houses on the development.
- The garage lends itself for conversion into residential use.
- The Ordnance Survey based site plans do not accurately shown the properties of Fairholme and Heddlys.
- Overlooking from certain windows. Such windows should be removed or glazed in obscure glass.
- Concern that the landscaping plans shows a trellis to be attached to existing walls of neighbouring properties.
- The landscaping plans propose planting on the boundary with neighbouring properties and concern is raised over the height that such planting will grow to, overhanging and maintenance concerns.

RELEVANT PLANNING HISTORY

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

S/27033	1 no dwelling Withdrawn	18 October 2012
S/14976	To retain development of 10 no. dwelling houses undertaken as previously granted planning permission ref. S/01768 and with an amended scheme for plot no. 2 (previously referred no.9) Full planning permission	10 January 2007
S/11417	To retain development of 10 no. dwelling houses undertaken as previously granted planning permission ref. No. S/01768 and with an amended scheme for plots 8, 9 and 10 Withdrawn	24 November 2005
S/01768	Residential 10 dwelling houses Reserved Matters granted	26 May 1999
S/01239	Eight executive houses and roadway access to meet adoptable requirements Outline planning permission	18 May 1998
D5/16842	Demolition of existing nursery buildings and carrying out of residential development Withdrawn	12 March 1996

APPRAISAL

THE SITE

The application site consists of a large irregular shaped parcel of land, referred to as Plot 9, on an executive style, cul de sac housing development known as Glasfryn Gardens off Glasfryn Terrace in Llanelli. The development is located on the former Glasfryn Nurseries site, and in this respect represents brownfield development.

Planning permission was previously granted in 1999 for 10 dwellings on the site as a whole. To date, the estate road is to base course level whilst five dwellings have been completed and are occupied on the site, and a sixth under construction.

THE PROPOSAL

This long standing application seeks full planning permission for a five bedroom, two and a half storey, detached dwelling and detached double garage. The proposed dwelling has a two storey gable projection to the front, and single storey flat roof projections with glazed lantern roof features to one side and the rear. Two dormer windows are proposed to the front elevation and one dormer to the rear. The proposed dwelling has a maximum width of 15.8 metres, a maximum depth of 14.2 metres, and has a maximum ridge height of 8.7 metres. The proposed external finishes consist of facing brick to the walls and concrete tiles to the roof.

The proposed detached garage which is to be located to the north east corner of the application site is 8.5 metres in width, 6.5 metres in depth, and has a maximum ridge height of 4.6 metres. The external finishes are to match the main dwelling.

The application site, which is now referred to as Plot 9, was proposed to accommodate two dwellings on the approved scheme in 1999.

The application was registered in December 2012 and soon thereafter the Local Planning Authority requested amendments to the original proposed scheme, and additional information including detailed cross section drawings and a Coal Mining Risk Assessment. The Local Planning Authority did not receive the majority of this information until August 2015.

PLANNING POLICIES

Local Planning Policy Context

The application site is located within the defined settlement limits of Llanelli as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014, and is allocated for housing.

In respect of the applications policy context reference is drawn to the following Local Development Plan Policies:-

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

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 proposal

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.

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

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

National Planning Policy Context

National Planning Policy is contained within Planning Policy Wales (PPW), originally published by the Welsh Assembly Government in March 2002 with the most recent edition published in July 2014. PPW is supplemented by 21 Technical Advice Notes (TANs).

Planning Policy Wales is the principle document of the Welsh Assembly Government which sets out the land-use policy context for the consideration and evaluation of all types of development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system provides for an adequate and continuous supply of land available and suitable for development to meet society's needs in a way that is consistent with overall sustainability principles.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 7 – July 2014 provides the following guidance.

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

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

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

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

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

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to

impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

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

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

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

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

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme should be presented in the design and access statement where one is required.

THIRD PARTY REPRESENTATIONS

As aforementioned, four neighbouring properties have raised concerns and objections towards the proposed development. The material reasons for objection raised will now be addressed individually as part of this appraisal.

The level of the application site is higher than other existing properties located on the Glasfryn Gardens estate however is comparable with properties along Glasfryn Terrace to the north east and Felinfoel Road to the north. The approved scheme in 1999 indicated a difference in finished floor levels of approximately 2 metres between the two properties approved then on the current application site and the other properties on the opposite side of the Glasfryn Gardens estate road. Whilst the finished floor level shown on the current proposed scheme is between 350mm to 550mm higher than previously proposed, the previous scheme was nevertheless for two dwellings compared to the one now proposed. There is a significant separation distance between the application property and the existing dwellings on the opposite side of the estate road at Glasfryn Gardens. The proposed dwelling is only 8.7m to ridge which is not considered excessive. The ridge height is 1 to 1.2 metres lower than adjacent properties along Felinfoel Road and Glasfryn Terrace, whilst the ridge height is approximately 1 metre higher than no. 8 Glasfryn Gardens. However the revised scheme proposes a single storey orangery to the side elevation facing no.8 Glasfryn Gardens, which reduces the scale of the property in this respect towards no. 8 Glasfryn Gardens. In light of the above it is considered that the scale of the proposed dwelling, and its relationship with existing residential dwellings, will ensure that the proposal will not result in overbearing impact.

In terms of the concern raised in relation to dormer windows, whilst the Local Planning Authority acknowledges that there are no dormer windows on the existing Glasfryn Gardens development, such design features are characteristic of other residential properties along Felinfoel Road. The proposed dormer windows are of a pitched roof design, fully contained within the roof slopes, and are thus considered acceptable in design terms.

The proposed garage, whilst large in footprint, is nevertheless simple in its design, and single storey in nature. A condition can be imposed to ensure that its use is purely for domestic purposes only, whilst any proposal to use the garage as a separate self contained residential planning unit would require planning permission.

The applicant does not have control over the accuracy of Ordnance Survey based plans which objectors opine inaccurately show the properties of Fairholme and Heddlys to the north east of the application site. The Local Planning Authority considers that the drawing package submitted is sufficient in order to enable a full and detailed consideration of the proposal, and its relationship with existing dwellings to be made.

With regards to the concern over overlooking, there will be a degree of mutual overlooking between the proposed and existing dwellings, whilst as aforementioned two, two storey dwellings were previously approved on this plot. It is recommended that a condition is imposed on any planning permission granted to ensure that certain first and second floor windows serving an en suite, dressing room and bathroom are glazed in obscure glass and retained as such in perpetuity to ensure that there is not an unacceptable degree of overlooking.

The final issue of concern raised relates to proposed boundary planting and the fact that the plans show a trellis fence to be attached to the existing walls of neighbouring properties. These concerns relate to the original landscaping plan submitted which has now been superseded. The revised plans indicate no boundary planting; only a small section of beech hedge to the side of the proposed orangery, whilst the boundary fencing now proposed is supported by timber upright posts. The landscaping and boundary treatment measures proposed are considered acceptable.

CONCLUSION

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP and forms part of a housing allocation. The principle of developing the site for residential use has previously been established by virtue of detailed planning permission granted in 1999 for 10 dwellings. Therefore there is no in-principle objection to developing the site for residential use.

The proposed development is considered acceptable in size, scale and design terms, in keeping with existing properties on Glasfryn Gardens, and in keeping with other dwellings within the vicinity. The proposed external finishes are considered appropriate to the area, whilst the proposed boundary treatment measures are also considered acceptable. The detailed cross section drawings submitted with the application indicate that the proposed dwelling will sit comfortably within the wider context.

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 dwelling is not

excessive in scale, and is located an appropriate distance away from adjacent well established residential dwellings.

In terms of drainage, it is proposed to dispose of foul water via the mains sewer which is considered acceptable. With regards to surface water disposal, whilst provision is made for permeable paving within the scheme, which will provide some SUDS, the development site does have a separate surface water sewer which benefits from a long standing Section 104 agreement which means that Dwr Cymru/Welsh Water will adopt. The application is for one dwelling instead of the two previously approved on this part of the site and therefore the amount of foul and surface water loading will be less than previously approved.

As the application was registered in December 2012, prior to the adoption of the LDP in December 2014, the new affordable housing commuted sum requirement is not applicable in this instance.

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 the proposal accords with the above mentioned planning policies. As such this application is put forward with a favourable recommendation subject to the imposition of the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 A sample/detailed specification of the external finishes to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 3 The proposed development shall be constructed strictly in accordance with the amended 1:250 scale finished floor level plans and cross section drawings received on the 21st August, 2015, and there shall be no departure from these levels without the prior written consent of the Local Planning Authority.
- 4 The first floor en suite and dressing room windows, and second floor bathroom window shall be glazed in obscure glass and thereafter retained as such in perpetuity.
- 5 The garage shall be used for domestic purposes in perpetuity, and not for trade or business use.
- 6 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3+4 In the interest of preserving residential amenity.
- 5 To prevent any separate use on the site, and to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
- 6 In the interest of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP6 of the LDP in that provision is made for affordable housing within the scheme.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy SP18 of the LDP in that the interests of the Welsh language will be safeguarded and promoted.

- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- Whilst the proposed development does not strictly comply with Policy GP2 of the LDP, the site is located immediately adjacent to the limits and it is considered that other material considerations as referred to under Section 38(6) of the Planning and Compensation Act 2004 warrant a relaxation of the Policy requirements in this instance.
- It is considered that the proposal complies with Policy GP3 of the LDP in that the application will be subject to a Planning Obligation to meet the requirements arising from the development.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing element of the scheme is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that provision is made within the proposed scheme for affordable housing.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

- It is considered that the proposal complies with Policy EP5 of the LDP in that the proposed development in this coastal location will not increase the risk of erosion, flooding or land instability.
- It is considered that the proposal complies with Policy REC2 of the LDP in that a financial contribution towards improving off site open space will be made.

NOTE(S)

- 1 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Location Plan 1:1250 @ A4 received 29th November, 2012;
 - Site Plan (544/01B) 1:250 @ A3 received 21st August, 2015;
 - Floor Plans – Ground, first, roof (544/02C) 1:100 @ A3 received 21st August, 2015;
 - Elevation Plan (544/04A) 1:200 @ A3 received 21st August, 2015;
 - Proposed Garage (544/05A) 1:100 @ A3 received 21st August, 2015;
 - Site Sections A-A, B-B, C-C (544/03C) 1:250 @ A3 received 21st August, 2015.
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

Application No	S/31915
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Application Type	Full Planning
Proposal & Location	PROPOSAL FOR A 420 PLACE PRIMARY SCHOOL AND 60 PLACE PRE-SCHOOL NURSERY AND CARE PROVISION FOR 2 - 3 YEAR OLD CHILDREN WITH ASSOCIATED PLAYING FIELDS, OUTDOOR LEARNING AREAS AND PARKING PROVISION AT FORMER DRAKA SITE, SOUTH OF COPPERWORKS ROAD, LLANELLI, CARMARTHENSHIRE

Applicant(s)	DIRECTOR OF EDUCATION - MR ROBERT SULLY, CARMARTHENSHIRE COUNTY COUNCIL , COUNTY HALL, CARMARTHEN, SA31 1JP
Agent	ASBRI PLANNING LIMITED - RICHARD BOWEN, SUITE 4, THE J SHED, KINGS ROAD, SWANSEA, SA1 8PL
Case Officer	Robert Davies
Ward	Glan Y Mor
Date of validation	28/04/2015

CONSULTATIONS

Head of Transport – No objection subject to conditions.

Head of Street Scene (Land Drainage) – No objection. The Land Drainage Department welcomes the latest proposal to infiltrate surface water to areas of low risk contamination outside of the preached water table area.

A further range of sustainable drainage techniques in addition to the proposed infiltration and swales, such as rainwater harvesting, rain garden planters and green roofs should also be investigated.

The detailed design of the surface water drainage system will need to be agreed by the Authority's Drainage Engineers.

Head of Public Protection (Air Quality) – No objection.

Head of Public Protection (Pollution) - No objection subject to conditions.

Head of Public Protection (Noise) – No objection subject to conditions.

Head of Public Protection (Contaminated Land) – No objection. Advise that the proposed development is situated at or within 250 metres of former commercial or industrial land use. In order to ensure that former land uses are fully considered in relation to the proposed end use (and remediated where necessary), a suitably worded condition requiring further information to be submitted and approved prior to works commencing on site is requested. Conditions are also requested to address unsuspected contamination and soil importation.

Head of Corporate Property – No response received to date.

Llanelli Town Council – No response received to date.

Local Members - County Councillor L Roberts has not commented to date. County Councillor W J Lemon is a Member of the Planning Committee and has therefore made no prior comment.

Natural Resources Wales (NRW) - No objection subject to conditions.

The consultation response from NRW provides detailed comments in relation to Contaminated Land, Surface Water Management, Flood Risk, Foul Drainage, Japanese Knotweed and Himalayan Balsam, Ecology, Pollution Prevention and Waste Management and Permitted Sites.

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

Dyfed Archaeological Trust (DAT) – No objection subject to condition.

Network Rail – No objection.

The Coal Authority - No objection.

Dyfed Powys Police (Design) - No response received to date.

Neighbours/Public – The application was advertised by virtue of both press and numerous site notices. To date two letters of representation have been received raising the following concerns and objections:-

- The proposed school is to replace Lakefield School and Copperworks School, the catchment for which currently includes large areas north of the railway. The proposed school is to the south of the railway and the Glan Y Mor level crossing is not suitable for pushchairs or mobility impaired equipment.
- The main thoroughfare from the northern catchment area to the school is indicated to be George Street, however there is an existing parking problem in George Street whereby cars park on pavements on both sides of the road, which will cause access problems for pushchairs and mobility impaired equipment.
- A 420 place primary school will create traffic problems on weekdays. The former Draka site should just have a few houses built on it.

RELEVANT PLANNING HISTORY

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

S/29798	Temporary storage of soil at the former Draka Copperworks Site Full planning permission	23 April 2014
D5/14654	Extension of existing production building to house an electron beam facility for the manufacture of low smoke, flame retardant cable Full planning permission	31 March 1994
D5/14652	Construction of two buildings to be used as warehouses Full planning permission	31 March 1994
D5/14517	Access road to Delta's southern boundary, security post & weigh bridge Full planning permission	31 March 1994
D5/14488	Replacement of old buildings with new Full planning permission	31 March 1994
D5/14487	Further enclosure of pvc and oil silo buildings Full planning permission	31 March 1994
D5/14203	Conerred vehicular access Full planning permission	31 March 1994
D5/13645	Erection of 2 lattice steel towers to mount closed circuit security cameras and creation of block wall Full planning refused	04 April 1991
D5/13298	Extension to pvc plant Full planning permission	10 December 1990
D5/12699	Extension to factory building for additional machinery Approval of Reserved Matters	12/ April 1990
D5/11234	Extension to factory for additional machinery Outline planning permission	20 February 1989
D4/5032	Demolition of derelict works and chimney in the interest of safety and amenity Full planning permission	05 June 1980

APPRAISAL

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

THE SITE

The application site forms part of the former Draka copper wire industrial site, south of Copperworks Road in Llanelli. The buildings associated with the previous industrial uses have been demolished and cleared, and the site is currently seen as a large expanse of relatively level hard standing area.

The immediate area is predominantly residential in character, with some residential properties abutting the site to the north and north west. There are however commercial and industrial uses to the west and south west of the site respectively. The main railway line and Llanelli train station are located to the north of the site beyond Copperworks Road and Great Western Terrace, whilst New Dock Road is located to the east, which along with Station Road connects the main town centre of Llanelli to the north with Machynys to the south.

As aforementioned, the 3ha application site only consists of part of the site formally associated with Draka copper wire, namely the north western portion. The eastern and southern parts of the former Draka site are identified for further development to include potentially some residential and small scale employment uses.

THE PROPOSAL

The application seeks full planning permission to construct a new 420 place primary school and 60 place pre-school nursery and care provision for 2 - 3 year old children with associated playing fields, outdoor learning areas and parking provision. The proposed school development (2690 sqm) will replace two existing primary schools, Lakefield Primary School and Copperworks Infant Nursery School, both of which are located to the north of the site, and to the northern side of the railway line. The existing school buildings are Victorian era buildings with limited outdoor space, especially for soft play.

The main school building is to be located on an east-west axis with the main facade facing Copperworks Road to the north. The two storey massing of the building is broken up by using different roof designs and external materials whilst a distinctive gable feature defines the principle entrance into the school. The main hall building, which is to have a dual function as both a dining hall and sports hall is located to the rear of the building, whilst a south facing raised terraced area to the rear of the school building will provide an outdoor learning environment.

The proposed external finishes to the development primarily consist of standing seam aluminium to the roof, and facing brickwork and coloured timber cladding to the walls. The Design and Access Statement states that the use of brickwork represents Llanelli, the metal represents the site whilst the coloured timbers will reflect the colours of both schools to be merged. It is also proposed to use brise soleil and curtain walling, and also balustrade to surround the raised external terraced area to the rear.

The main school building has been designed with flexibility in mind, and allows for community uses outside of normal school hours. This provision for community use extends outside whereby Multi Use Games Areas are proposed along with a full size 3G all weather football pitch to the southern area of the site which will be available for use by the local community during evening and weekends. Community use of the sports facilities will not coincide with the schools operational hours, whilst selective locations for proposed

boundary treatment measures ensure that access can be gained to the sports facilities without entering the main school grounds.

The areas immediately outside the main school building consist of hard landscaped, education and play areas, with soft landscaped areas beyond. Low maintenance habitat areas are proposed to the southern parts of the site around the 3G pitch, along with swale features that form part of the surface water drainage strategy.

The Design and Access Statement states that sustainability has been a driving consideration in the development of the design, both to reduce the energy demand of the working building and to ensure that the energy required is used efficiently and obtained from low to zero carbon sources. Photovoltaic panels are proposed to the south facing areas of the roof to supply energy to the school, maximising the potential of the east-west axis. At first floor level the solar gains are managed through a combination of solar shading and solar control glazing whilst the ground floor south facing windows are shaded by the terrace overhead. The presence of this overhanging roof also creates covered play areas directly accessible from the classrooms and sheltered from the elements. The building has been designed and will be constructed to achieve high levels of air tightness throughout, allowing for a controlled natural ventilation strategy to take place as efficiently as possible.

The single storey Flying Start nursery building is proposed to the side of the main pedestrian entrance from Copperworks Road, and thus allows this facility to operate independently from the main school.

The main vehicular access to the new school is to be located to the north western corner of the site, and gained via a new mini roundabout on the junction between Copperworks Road and Marine Street. This access will lead to a parking and pick up and drop off area within the western portion of the application site, and ensures that the vehicle access is segregated from the main pedestrian entrance. An emergency vehicle entrance is proposed to the north eastern corner of the application site. It is proposed to provide a total of 58 marked car parking spaces access via a loop road. A total of 53 standard parking spaces are to be provided and an additional 5 spaces will be provided for disabled motorists. The pick up and drop off lay by is to be located to the outer circumference of the loop.

In order to ensure the safety of pedestrian and vehicular traffic that a new school will create, offsite highway measures are proposed within the immediate vicinity of the school. A zebra crossing is proposed outside the main entrance to the school, linking it to George Street and the surrounding housing, whilst further north there is scope to improve the pedestrian circulation across Glanmor Road close to the railway line, which would improve the routes to the station.

As aforementioned a mini roundabout is proposed at the western end of Copperworks Road to improve traffic flow into the school's pick up/drop off and parking area, and associated traffic calming measures to include widened pavements, speed bumps and alterations to road markings.

Signage will also alert drivers to the presence of the school. Programmed LED units incorporating a school warning sign and 20mph roundel sign will be on during key school hours, in addition to normal speed limit signs.

The full planning application itself was originally accompanied by the following supporting information:-

- Location plan and site plans;
- Detailed elevation and floor plans;
- Design and Access Statement;
- Planning Statement;
- Groundwater Risk Assessment;
- Ground Investigation Report;
- Japanese Knotweed and Himalayan Balsam Survey and Management Plan;
- Environmental Noise Assessment;
- Noise and Acoustic Report for Building Regulations and BREEAM;
- Archaeological Desk Based Assessment;
- Drainage Strategy;
- Flood Consequence Assessment;
- Transport Assessment;
- Air Quality Assessment;
- Ecological Assessment;
- Water Quality Statement.

During the course of the planning application process the following additional/amended supporting information was received:-

- Level 3 Remedial Targets Methodology Groundwater Risk Assessment Report;
- Revised Drainage Strategy and Plan;
- Revised Landscape Masterplan;
- Proposed Piled Foundations Details;
- Proposed Site Longsections;
- Piling Risk Assessment Report.

The revised information received was as a result of a wholesale change in direction in terms of the proposed surface water drainage strategy and foundation design. It was originally thought that infiltration of surface water on site and piling foundations were not possible due to ground conditions and potential for underlying archaeology, and therefore it was originally proposed to pump surface water via a new piped system to Delta Lakes, whilst a raft foundation design was proposed for the new school building. The pumped solution for surface water drainage was not considered to be sustainable, whilst it was established that the raft foundation design would result in settlements for the proposed structure in excess of those considered acceptable. Therefore the drainage and foundation design strategy was re-visited.

Following a site meeting with relevant consultees, further groundwater sampling was undertaken to inform the revised strategies. The further sampling identified high risk areas within the site, and also identified that contaminants are currently present in both the shallow perched water and lower aquifer. Therefore it was established that contaminants had already migrated down to the groundwater, proving that preferential pathways between the perched and groundwater already exist on site. The results highlighted that storm water infiltration would provide a minimal further risk to the groundwater, and an element of betterment could be achieved by capturing some surface water on site and discharging it into areas on site which are away from the risk of high contamination levels and perched groundwater. Such areas of low risk contamination outside of the perched groundwater have been identified from the ongoing groundwater monitoring results. The

principle of the design will see all landscaped areas on site being used to attenuate rainfall with excessive rainfall volumes being directed to swales to infiltrate into the made ground layer.

The same sampling exercise informed a revised foundation design strategy. Site investigations found that the existing fill material on site to be unsuitable for founding and recommended either the use of a piled or deep trench fill mass concrete foundations. The piled foundation solution was progressed in consultation with Natural Resources Wales and Dyfed Archaeological Trust. The piled foundation solution requires no excavation beyond breaking out of any hard surfaces local to each pile location, and it is understood that the location of the proposed piling has been confirmed by Dyfed Archaeology to be outside the areas of specific archaeological interest, which were located more towards the south of the site in the location of the old copper furnaces.

Following guidance produced by the former Environment Agency, displacement piles were considered to be the most appropriate based on avoiding contaminated arisings produced during installation. The use of displacement piles also results in local compaction of the soil surrounding the pile, generally leading to a reduction in the permeability of the penetrated soil. The radial movement of the soil will also create a stress field in the zone of influence that will tend to make the soil close up and 'seal' around the pile after driving is complete, especially in cohesive materials. This would further limit the formation of any new preferential pathways created by the piling operation. Identified contamination 'hot spots' will be removed prior to the commencement of the piling activity. The base of the piles will be inclined so that contaminated material will not be transferred beneath each pile. Furthermore it is proposed that the groundwater is continued to be monitored at strategic locations during the construction period.

PLANNING POLICIES

Local Planning Policy Context

The application site is located within the defined settlement limits of Llanelli as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014, whilst the site in fact forms part of a larger mixed use site allocation with the primary focus being on education with potential for residential development and some small scale employment.

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

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

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

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

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

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

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

Policy SP16 of the LDP supports the provision of new community facilities and states that proposals for new education and training related developments will be supported where it supports the settlement framework and accords with the policies of the plan.

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

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

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

Policy EQ4 of the LDP relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

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

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

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

National Planning Policy Context

National Planning Policy is contained within the Wales Spatial Plan, which provides an overall strategic framework, together with Planning Policy Wales (PPW), originally published by the Welsh Assembly Government in March 2002 with the most recent edition published in July 2014. PPW is supplemented by 21 Technical Advice Notes (TANs).

‘People, Places, Futures, the Wales Spatial Plan’ was updated in 2008. Llanelli is identified as a Primary Key Settlement as well as a Cross-Boundary Settlement in the Swansea Bay: The Waterfront and Western Valleys Area. Town Centre Regeneration in the Key Settlements is highlighted as a priority in the Wales Spatial Plan.

The WSP sets out a strategic framework to guide development across Wales, and its core theme seems to focus around promoting sustainable development. The WSP sets out visions for different areas of Wales. The vision for the ‘Swansea Bay – Waterfront and Western Valleys’ area, which includes Llanelli is:

“An area of planned sustainable growth and environment improvement, realising its potential, supported by integrated transport within the area and externally and spreading prosperity to support the revitalisation of West Wales”

One of the main elements of the strategy for the area is the development of a modern, attractive and vibrant waterfront urban area, which stretches from Port Talbot in the east through to Burry Port in the west taking in Neath, Swansea and Llanelli.

The Plan recognises that the area has the potential to become a key driver of the Welsh economy and development should be focused on Port Talbot, Neath, Swansea, and Llanelli prioritising the use of the abundant supply of brownfield land.

Planning Policy Wales is the principle document of the Welsh Assembly Government which sets out the land-use policy context for the consideration and evaluation of all types of development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system provides for an adequate and continuous supply of land available and suitable for development to meet society's needs in a way that is consistent with overall sustainability principles.

Planning Policy Wales confirms at Paragraph 3.1.1 that the planning system:

“...is intended to help protect the amenity and environment of towns, cities and the countryside in the public interest while promoting high quality, sustainable development.”

This document in Paragraph 1.2.2 confirms that a primary principle or basic premise of the planning system is that it:

“... must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs. It must do this in a way that pays regard to:-

- overall sustainability principles, outcomes and objectives, paying particular attention to climate change as a key sustainability concern;
- the Wales Spatial Plan;
- detail policies on the different topic areas set out in PPW.”

Planning Policy Wales promotes the notion of sustainable development as being central to all planning decisions in Wales. Paragraph 4.1.1 of PPW states that:-

“the goal of sustainable development is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations”

PPW in Paragraph 4.1.4 defines sustainable development in Wales:-

“In Wales, this means enhancing the economic, social and environmental well being of people and communities, achieving a better quality of life for our own generations in ways which:-

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits – using only our fair share of the earth's resources and sustaining our cultural legacy.

Sustainable development is the process by which we reach the goal of sustainability.”

The document outlines a number of relevant sustainable development principles, chief amongst which is the promotion of resource efficient settlement patterns and minimising land-take. There is also recognition that the location of development should aim to reduce demand for travel, especially journeys by private car.

Section 4.9 of PPW provides a preference for the re-use of land.

Paragraph 4.9.1 states that:-

“Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.”

Paragraph 4.9.2 goes on to state that:

“Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives.”

The Welsh Government, in the revised Chapter 7 of Planning Policy Wales (Economic Development), defines economic development as ‘development of land and buildings for activities that generate wealth, jobs and incomes’. It goes on to state that it is essential that the planning system considers, and makes provision for the whole economy and not just those defined under parts B1-B8 of the Town and Country Planning Use Classes Order. The planning system should also support economic and employment growth alongside social and environmental considerations within the context of sustainable development (PPW paragraph 7.1.3).

Paragraph 7.6.1 advises on development management and requires local authorities to adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits. Key factors include:-

- ‘The numbers and types of jobs expected to be created or retained on the site;
- Whether and how far the development will help redress economic disadvantage or support regeneration priorities;
- A consideration of the contribution to wider spatial strategies, for example the growth or regeneration of certain areas.’

Planning Policy Wales is supplemented by various Technical Advice Notes (TAN’s) which provide more in depth guidance on specific issues. In this instance guidance contained in the following TAN’s are applicable:-

TAN 5 Nature Conservation and Planning (2009) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN 11 Noise (1997) provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development.

TAN 12 Design (2014) 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 (2004) aims to direct new development away from those areas that are at high risk of flooding. Those areas of high risk are defined on a series of Development Advice Maps (DAMs) which detail three principle zones, A, B, C and sub-categories C1 and C2 that should be used to trigger Flood Consequence Assessments. TAN 15 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.

TAN18 Transport (2007) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

TAN 23 Economic Development (2014) re-iterates the broad definition of economic development contained within the revised Chapter 7 of PPW, and states that it is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

With regards to protecting the integrity of the European designated site Regulation 61 of the Conservation of Habitats and Species Regulations 2010 reads as follows:-

Assessment of implications for European sites and European offshore marine sites

61 –

- (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
 - (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.
- (2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.
- (3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.
- (4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.
- (5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the

integrity of the European site or the European offshore marine site (as the case may be).

- (6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.
- (7) This regulation does not apply in relation to a site which is—
 - (a) a European site by reason of regulation 8(1)(c), or
 - (b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).
- (8) Where a plan or project requires an appropriate assessment both under this regulation and under the 2007 Regulations, the assessment required by this regulation need not identify those effects of the plan or project that are specifically attributable to that part of it that is to be carried out in Great Britain, provided that an assessment made for the purpose of this regulation and the 2007 Regulations assesses the effects of the plan or project as a whole.

Planning Policy Wales Technical Advice Note 5 'Nature Conservation and Planning' also re-iterates this advice and seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system. In the case of this proposed development, where there is no direct on-site impact, it concentrates on those designated Natura 2000 sites to the south within the Loughor Estuary and Carmarthen Bay area.

THIRD PARTY REPRESENTATIONS

As aforementioned two letters of representation have been received raising concerns and objection towards the proposed development. The material reasons for objection raised will now be addressed individually as part of this appraisal.

With regards to the accessibility concerns, the existing Lakefield and Copperworks Schools share the same catchment areas, and this will obviously remain the same for the new proposed school. The catchment area spans either side of the railway line, with the majority of the catchment area to the south of the railway line where the new proposed school is to be located. At present a number of children attending both schools and who live south of the railway line, cross the line to attend school. This situation will effectively be reversed if the development was approved.

As already mentioned a number of offsite highway improvement measures and traffic calming measures are proposed within the vicinity of the school to ensure the safety of pedestrian and vehicular traffic.

The Authority's Head of Transport has raised no objection towards the proposed development, which aforementioned provides for offsite highway improvements, whilst also makes on site provision for sufficient car parking and pick up/drop off areas. It is also

worth noting that Network Rail has not opposed the proposed development in relation to traffic and pedestrian movements across the level crossings.

The former Draka site as a whole is identified as mixed use site allocation in the Adopted LDP with the primary focus being on education with potential for residential development and some small scale employment. The proposed school development on part of the site therefore accords with the aspirations for the site in the LDP.

APPRAISAL

Archaeology

The application was accompanied by an Archaeological Desk Based Assessment dated January 2015. This assessment concluded that there is good potential for significant buried archaeology within the proposed development site, possibly of national importance. The site was in the mid 19th century the third largest copper smelting site in the world.

As aforementioned, the foundation design strategy has changed during the course of the planning application process, in close discussion with the Authority's Archaeological advisors, Dyfed Archaeological Trust. As always Dyfed Archaeology advise that preservation of such remains would be the first option but if disturbed such remains should be comprehensively recorded.

Dyfed Archaeological Trust initially recommended an archaeological condition to cover a possible watching brief. The WB condition was viewed as precautionary and intermittent only, in the event of unforeseen, intrusive groundworks. The original methodology of raising the site and rafted foundations indicated that archaeology would be protected from the development.

Based upon the revised foundation design strategy, DAT recommend the retention of a WB condition to allow for similar circumstances within the revised methodology. It is recommended that such a condition is imposed on any planning permission granted in the interest of preserving historic environment interests whilst still enabling development.

Noise & Air Quality

In terms of noise, an acoustic report was submitted with the application. Based on the survey results an assessment has been undertaken to demonstrate that with partially open windows providing ventilation the predicted internal noise levels achieve the noise criteria of Building Bulletin 93, and therefore the site is considered suitable for educational use.

Plant noise limits have been proposed at the nearby noise sensitive receivers based on the survey results and British Standard 4142:2014. With the proposed plant meeting the noise limits the Rating Level of noise associated with the development does not exceed the Background Noise Level by more than +0 dB during the day.

Noise from the 3G and MUGA sports pitches have also been predicted at the nearby noise sensitive residential properties. The predicted noise level is below the level of community noise for moderate community annoyance in outside living areas (such as gardens) stated in World Health Organisation 1999 of 50 dB(A) externally and 35 dB(A) internally within the habitable rooms of the sensitive receivers to enable casual conversation indoors during daytime.

There will be changes to the traffic flow rates as a result of the scheme. A change in traffic flow noise assessment has been undertaken based on the Peak hour flows.

The increase in road traffic noise levels due to the proposed development is no greater than 3 decibels on the worse case road. This is considered a perceptible increase in noise levels at the worst case location and is considered of slight adverse effect. Along all other roads the increase in noise levels is considered imperceptible with no adverse effect. It is contested that the noise impact due to the increase in road traffic associated with the development will not adversely affect the residential amenity of the existing nearby residential properties.

A construction noise assessment has also been undertaken with criteria based on contractor supplied information, plant data from BS 8228-1:2009 and the ABC method of BS 5228-1:2009. The proposed construction operation is considered acceptable in environmental noise terms and falls within the proposed noise limits.

Noise emission will be adequately controlled at the nearby residential properties. On the above basis the acoustic reports considers that the proposed development is acceptable in environmental operational and construction noise terms. Noise emission is adequately controlled at the school and nearby residential properties. The proposal is not expected to adversely affect nearby residents by way of noise.

This report has been considered in detail by the Authority's Public Health Division which raises no objection towards the proposal subject to the imposition of certain noise related conditions.

In terms of Air Quality, an Air Quality Assessment Report was submitted with the application.

The report states that the operation of the proposed development has the potential to generate additional traffic compared to the previous uses on site. Consequently, the potential exists for the concentration of air pollutants at receptors in the area surrounding the site to change because of the proposed development.

A qualitative assessment of dust effects during the construction phase has been carried out. With the implementation of a range of appropriate site management practices to control dust emissions, effects associated with construction activities are considered to be negligible.

Any emissions from construction plant operating on the site would be small in comparison to the emissions from the road traffic movements on the roads adjacent to the site and therefore would be negligible.

It is anticipated that the effect of construction vehicles entering and leaving the site would be would negligible. All construction effects would be localised and temporary.

Future pollutant concentrations due to emissions from local road traffic associated with the proposed development have been modelled, using the DMRB assessment tool. Modelled results have been used to determine the effect of the proposed development on air quality at a number of sensitive receptors surrounding the site.

Taking into account current uncertainties around future nitrogen oxides (NO_x) and nitrogen dioxide (NO₂) reduction trends, the proposed development is predicted to have a negligible effect at existing receptors considered for NO₂ and for both PM₁₀ and PM_{2.5}.

This report has been considered by the Authority's Public Health Division which raises no objection towards the proposal on the basis of Air Quality. It is recommended that a condition is imposed on any planning permission granted requiring a scheme to mitigate against potential localised dust issues during the construction period.

Highways

The application itself has been accompanied by a Transport Assessment, Interim Travel Plan and an Offsite Traffic Calming Masterplan.

The proposed vehicular access to the school is to be via a new mini-roundabout junction on Copperworks Road and the site will also be accessed by a further pedestrian only entrance and emergency vehicle entrance. The speed limit on Copperworks Road has recently been reduced to 20 mph and further traffic calming measures are to be considered on Copperworks Road and Marine Street. Highway signs will be erected and 'school – keep clear' carriageway markings will be installed on Copperworks Road to alert motorists of the presence of the school and associated pedestrian movement.

The trip distribution analysis has concluded that the outcome of the proposed development will predominantly be a re-assignment of existing traffic on the network in order to access the new school's location. As the school will have a greater pupil capacity to the number currently attending the existing schools a proportion of 'new' trips have been added to the network to assess the impact of the potential for the generation of new trips.

The report states that the additional generated net trips associated with the development proposals can be satisfactorily accommodated on the highway network. All junctions assessed within the TA are predicted to perform within capacity in the future assessment years of 2018 and 2028.

It is contested that the successful implementation of the Travel Plan may result in modal shift from car-borne trips to pedestrian and cyclist trips. The implementation Travel Plan will include modal shift targets.

Approximately 93% of pupils (345 pupils) attending the existing schools reside within 1.2km of the proposed school (or closer) which equates to a 15 minute walk assuming a comfortable walking pace of 80 metres per minute.

It is also noted that safety upgrades are to be commissioned in 2015 at the level crossings to the west and east of Llanelli Railway Station by way of the introduction of obstacle detection technology. Both level crossings are on pedestrian routes that are currently used by pupils to access the existing schools and will be for those travelling to the proposed school. Both level crossings benefit from a good safety record.

Overall it is considered the analysis carried out indicates that the proposed school would not have a detrimental impact on highway safety and with the introduction of a Travel Plan could potentially have a betterment effect on sustainable travel to school compared to the existing schools.

The TA report has been considered by the Authority's Head of Transport who raises no objection subject to the imposition of conditions on any planning permission granted.

Ground Conditions

With regards to ground conditions associated with the historical industrial uses made of the site, the original application was accompanied by a Groundwater Risk Assessment and Ground Investigation Report. Subsequent to this an additional Groundwater Risk Assessment Report was submitted to inform a revised drainage and foundation design strategy.

The GI report states that the site is capped by a thickness of tarmac or concrete bases ranging in thickness between 0.10m and 0.50m which is associated with the site's former land use as a place of heavy manufacturing. Beneath the concrete cap there is a thickness of between 1 and 3 metres of made ground comprising granular sands and gravels made up of slag, brick, clinker, ash, concrete, and assorted rubble. Within the made ground, trial pits encountered multiple buried structures including brick lined archways and conduits, concrete walls or foundations, and thick oily tar residues potentially from a hydrocarbon store.

The made ground is highly variable in its thickness, density and engineering properties so is not considered suitable for founding of structures, and hence the revised piled foundation strategy.

The additional groundwater sampling exercise identified elevated levels of metals, semi metals and organics in both perched water and lower groundwater aquifers.

The key consultees in relation to this issue are NRW (groundwater implications) and the Authority's Public Health Division (human health).

In their response, NRW accept that contamination is concentrated in key hot spot areas, and that broadly there is contamination in both the made ground and in the perched water within the site. The Local Planning Authority is awaiting NRW's final comments on the revised drainage and piled foundation strategies, however NRW has suggested in an email that these matters can be addressed via the imposition of conditions on any planning permission granted.

The Authority's Public Health Division has also requested that a condition is imposed on any planning permission granted, and suggest that the proposals to provide a capping of clean covering layer and hard standings at selected locations will address any human health concerns. The exact method of remediation in this respect will be a requirement of the suggested condition.

Flooding

In terms of flooding, the application was accompanied by a Flood Consequence Report. This followed pre-application discussion with NRW who despite the fact that the vast majority of the application site is outside any of the defined flood zones, requested an Flood Consequences Assessment (FCA) to consider climate change allowance and potential implications for tidal flooding at the site.

The FCA has found that the risks to the proposed development associated with fluvial, pluvial, groundwater and sewer flooding are low and therefore considered to be manageable.

The site is elevated above the predicted peak tidal flood level for the 0.5% APE and the 0.1% APE in 2115. When the upper confidence interval is applied to the 0.5% APE tidal level, a small area along the northern site boundary is affected by floodwaters. The proposed school building will be located in the centre of the existing site, and will therefore remain flood-free for all modelled scenarios.

The emergency access/egress to/from the site is along Copperworks Road from the proposed emergency vehicle entrance. This route has been shown to be compliant with the requirements of TAN 15 for the 0.5% APE in 2115. During the 0.1% APE in 2115, this route remains compliant during the first two tidal cycles. It is considered that occupants would have sufficient time to evacuate the premises if required between the tidal cycles. It is recommended that the occupants of the site sign up to the Flood Warning Service offered by NRW, which would provide warning of an extreme tidal event.

In summary, the proposed development of the site will not adversely affect the existing hydrological regime and the risk of flooding associated with an extreme tidal event has been shown to be manageable.

This FCA has been considered by NRW who raise no objection subject to the imposition of a condition requiring a flood management plan is developed for the site and agreed by relevant agencies. The school should sign up and receive flood warnings from NRW to ensure sufficient warning should a tidal event occur. NRW also advise that the school should not be allocated as a place of refuge during any emergencies in the areas emergency plans.

NRW's response does state that a small part of the site is located within Zone C2 as defined by the Development Advice Maps referred to under TAN15, however such maps on the Welsh Government website indicate that no part of the site is within Zone C2. The vast majority of the site is outside any defined flood zone; however a small section to the west is within Zone B, and a tiny fraction to the north east corner within Zone C1. NRW has subsequently confirmed that their original response incorrectly identified part of the site within Zone C2.

Water Quality

There has been a long standing concern in relation to water quality in the CBEEMS, and therefore this section of the report is dedicated to this issue. However, this should not be read in isolation and needs to be considered in conjunction with following sections, especially that on foul and surface water drainage proposals.

In terms of water quality, a number of Environmental Statements have been produced in recent years with regards to other proposed developments within the Llanelli Waste Water Treatment catchment, which were tightly scoped to look at water quality. A number of key studies and reports have also been undertaken and referred to below which are relevant in this respect.

The quality of water discharged into the European protected CBEEMS is seen as a key issue in assessing the impact of this, and other proposed developments, on the Loughor Estuary. As early as 2001 the Loughor Estuary was designated as a "Sensitive" area (eutrophic) under the Urban Waste Water Treatment Directive. Such a designation and acknowledgement of the need to improve water quality has been the main driver in implementing improvements in water treatment at various waste water treatment works (WwTW) which discharge into the Burry Inlet and wider estuary. Successive Asset Management Plan programmes (AMPs) by Dwr Cymru/Welsh Water (DCWW) have seen improvements in nitrogen removal at Llanelli, Gowerton, and Llannant, in addition to which, ultra violet (UV) disinfection to kill bacteria has also been implemented to improve the quality of effluent discharged through combined sewer overflows (CSOs). The latter being a safety mechanism which discharges untreated sewerage into the estuary when excessive storm water volumes overload the system, in order to avoid surcharging of domestic properties, with raw sewerage discharged into the estuary.

The 'Loughor Estuary – Water Quality & Nutrient Assessment' (Final), Report No. RN2020, Revision 2 (1 May 2009), prepared by Metoc PLC, commonly known as the Metoc Report provides a qualitative assessment of water quality in the Loughor Estuary by analysing monitoring data from 1990 to 2008, thereby defining the past and current trends in terms of chemical determinants and water quality generally. A key consideration is that the sewage system in the majority of the Llanelli catchment carries both foul and surface water. During storm conditions the surface water runoff enters the system and combines with foul water. In order to prevent flooding to properties in severe storm conditions, excess storm sewage is discharged via combined sewer overflows (CSO's) to watercourses or the Estuary. The matter is therefore one of capacity within the conveying system to accommodate additional surface water flows.

The analysis undertaken as part of the Metoc study indicates that the load level of all chemical determinants from domestic sewerage to the Estuary have reduced significantly over the past ten years or so in response to sewerage improvements under successive AMP periods and the rationalisation of treatment facilities. Nitrate and phosphate loads have decreased to 54% and 64% of previous levels respectively and biological oxygen demand (BOD) to 60%.

Further breakdown of the contribution of loading from primary sources show that the nitrate load contributed by all the WwTW discharges more than halved over the monitoring period between 1990 and 2008 from 52% to 25%. The phosphate load contribution reduction was significantly less, a 9% reduction from 73% to 64%. This indicates that phosphate levels remain relatively high, compared to improvements in nitrates and BOD. Moreover, the study indicates that WwTW are the highest contributors of phosphates to the total load in the Estuary which suggests that in order to improve the quality of water in the Estuary, further phosphate removal would be required at the WwTWs.

The accurate baseline provided by the Metoc Report has provided the basis for required mitigation. Welsh Water's AMP 4 programme at Northumberland pumping station was substantially completed in March 2010 and involved the conversion of former primary settlement tanks to provide additional storage for combined overflows during storm conditions. The programme also included the provision of Ultra Violet treatment facilities at the plant to treat the bacterial load in the overflow waters. The Ultra Violet treatment effectively reduces the bacterial load in the discharges such that the impact on the controlled waters of the Estuary would be reduced to levels compliant with the Shellfish

Waters Directive. Similarly, as part of the programme Ultra Violet disinfection is also being provided on the overflow at Llanelli WwTW.

In the context of the Llanelli WwTW catchment area, DCWW previously confirmed that the AMP 4 works were designed to accommodate a level of development that is broadly equivalent to that previously committed and designated in the Authority's previous UDP, based upon current discharge rates and with no additional surface water being allowed to enter the system. This should be further qualified in terms of the permitted level of CSOs, which although intermittent in nature, would remain within consented levels, even with the proposed and identified developments in the previous UDP. The effects of CSOs mean that additional nutrients are released into the estuary under storm conditions, which given the less than favourable condition of the CBEEMS, has meant the receiving waters are under review as a candidate Polluted Water (Eutrophic) under the Nitrates Directive. As a result, any increase in nutrient levels, however small, would not be acceptable without mitigation.

The Planning Inspector's report on the LDP noted that the current rolling 5 year Asset Management Plan (AMP) 5 runs from April 2010 to March 2015. There are planned improvements and upgrades to infrastructure in Carmarthenshire that would be delivered within this AMP 5 period. The Inspector noted that funding for the AMP 6 programme is not anticipated to be confirmed until December 2014. However, where necessary, a phased release of sites could be delivered post 2015 or appropriate developer contributions could be sought to facilitate bringing forward any necessary improvements to accommodate development⁸⁴. DCWW confirmed during the examination that the existing and planned infrastructure would have sufficient capacity to service the level of growth anticipated to 2021.

One practical and direct means of mitigation is the segregation of foul and surface water at source, which would prove most beneficial on brownfield sites where there may be historic foul and surface water flows discharged into the combined system. This would see a reduction in surface water entering the combined system, and thereby reduce the premature discharge of storm sewage. The on-site separation of surface and foul flows and the progressive removal of surface water from the combined system would release capacity to accommodate more raw sewerage, while the AMP 4 programme has provided additional storage at Northumberland pumping station, reducing the volume of spillages thereby ensuring more sewerage is processed through the biological treatment process and anoxic zone treatment. This should result in an increase in the removal of nitrates through the anoxic zone process at the WwTW and consequently decrease the loading of nitrates discharged into the Estuary. The additional storage provided at Northumberland PS will not eliminate CSOs, but should mark a reduction in their frequency and duration. The aforementioned UV treatment of CSOs will also assist in treating the bacterial content of untreated effluent.

The data in the Metoc study suggests that the proposed levels of development indicated in the previous UDP would lead to an increase of approximately 2,840 domestic population equivalence or 4% of the design population equivalence of the receiving WwTW. This equates to an increase in sewer flow of 0.8% of present flow to the WwTW which the system presently has capacity to process. It should be stressed, however, that the Metoc study is based on the modelling of previously recorded data and does not therefore take account of the significant benefits provided by the recent AMP 4 works at Northumberland pumping station and Llanelli WwTW, which DCWW have estimated would accommodate the requirements of a population equivalence of 4000 people. The Metoc report also could

not consider and envisage the improvements and upgrading works committed through AMP 5 (2010-2015), AMP6 (2015-2020) and other schemes undertaken by DCWW to reduce CSO spills e.g. Rainscape, Llanelli.

Further on the issue of surface water removal, the Memorandum of Understanding (MoU) entered into between Carmarthenshire County Council, City and County of Swansea, Dwr Cymru/Welsh Water and the former Environment Agency and Countryside Council for Wales (now Natural Resources Wales) 2011 is relevant. This document sets out the partnership approach to improve and safeguard the environmental quality of the CBEEMS when taking decisions on development and regeneration schemes. The MOU includes, inter alia, a commitment on the part of the Local Planning Authority to manage a Register which records the increased foul sewage discharges (emanating from new developments) and also the amount of surface water to be removed from the combined sewerage network as part of development proposals. The commitment by developers to remove surface water from the combined system as part of development proposals thereby achieving betterment in the system is defined in the MOU and this in turn achieves benefits in terms of hydraulic loading and a reduction in the frequency of existing discharge events into the estuary.

In recognition of the need to mitigate any increase in nutrient loading, however small, the removal of nutrients, and principally phosphate removal has been seen as a priority. The installation of an additional phosphate removal process at the WwTW at Llannant treatment works (which discharges into the estuary) in 2010 was seen as one action to serve this process and the incremental dosing of the phosphate ensures that any developments subsequently permitted would not increase the phosphates discharged. Since the most recent Memorandum of Understanding was signed in September 2011, two significant developments have taken place:-

Burry Inlet Cockle Mortalities Investigation report 2009 - 2011: a technical report to Environment Agency Wales published in January 2012. This three-year investigation into the cockle deaths that damaged the fishery in the Burry Inlet has concluded that pollution is not to blame. The study, led by experts from Hull University, ruled out the vast majority of possible causes of the mortalities. The report concluded that a combination of parasites, over-crowding and conditioning of the cockles after spawning is likely to have contributed to the mortalities. The report stated that 'the overall conclusion from the water quality analysis must be that it is most unlikely that the general water quality of the Burry Inlet is contributing in any meaningful way to the decline of the cockle fishery' (p.34).

David Tyldesley and Associates have undertaken a Habitat Regulation Assessment of the effects of wastewater associated with new development in the catchment of the Carmarthen Bay and Estuaries European Marine Site for the City and County of Swansea (Habitats Regulation Assessment of the Effects of Wastewater associated with new Developments in the Catchment of the Carmarthen Bay and Estuaries European Marine Site, April 2012).

The assessment concluded that developments which could be accommodated within the current licence arrangements/capacity of the WwTWs (as consented by the former EAW and reviewed under their RoC process) will not be likely to have a significant effect either alone or in combination on the CBEEMS. These cover the Gowerton, Llanelli and Llannant sewerage catchments.

It also concludes that within the context of the requirements of Regulation 61 of the Habitats Regulations, and based upon current understanding of the potential links between water quality and cockle mortality, there was no requirement for precautionary interim nutrient stripping at Llannant for developments that can be accommodated within current NRW discharge consents within the CBEEMS.

In addition, while the separation of surface water may be beneficial in terms of improving water quality within the system as whole, the Assessment finds that it was not deemed to be necessary in terms of meeting the requirements of the Regulation 61 assessment.

Given that the impacts associated with the relevant WwTW have already been assessed by the former EAW as the relevant Competent Authority in respect of discharge consents within the catchment of the CBEEMS, it can be concluded that the same principles apply within Carmarthenshire for the current proposal as the EAW review of consents process covers catchments within Carmarthenshire, the WwTWs covering the Burry Inlet discharge area (Gower, Llanelli and Llannant sewerage catchment area) which serves this development. The most recent RoC was undertaken in early 2010.

However, despite the findings of the above assessment, the precautionary approach adopted by the Authority whereby development schemes are required to provide compensatory measures to the sewer system, combined with the ongoing nutrient stripping at the Llanant Plant, will serve to continue the trend of progressive improvements in the water quality of the Loughor Estuary. Nutrient removal measures are not within the control of developers and therefore must be provided by DCWW on the advice of NRW, both of which have raised no objection to this application. The issue of drainage betterment is addressed in further detail on the foul and surface water drainage section of this report.

The Planning Inspector's report for the LDP draws reference to the successive AMP programmes, agreed Memorandum of Understanding and removal of surface water schemes before referring to the Habitat Risk Assessment (HRA). The HRA considered the potential effects of the Plan on the European site network and found there to be no likely significant effects on the CBEEMS alone or in-combination with other known plans or projects. The Inspector stated that the plan makes provision for appropriate considerations and measures to address water quality issues. In addition, there are a number of multi-agency commitments via the partners and signatories to the MOU to ensure that water quality issues are addressed. These include improvements in the Waste Water Treatment Works capacity, treatment levels and discharge quality through programmes in the River Basin Management Plan (under the requirements of the WFD) and through funding allocations and priorities secured through the AMP process.

The Inspector went on to note that development could be brought forward and through the provisions of the Plan, could contribute incrementally towards betterment in terms of reducing the amount of surface water entering the combined system. Improved infrastructure could also be delivered through the DCWW AMP and via appropriate developer contributions where necessary. Furthermore, multi-agency initiatives and infrastructure improvements within the area would enable the level of development planned to proceed.

In summary, it has been demonstrated that Dwr Cymru/Welsh Water's AMP programmes and the provision of additional phosphate removal have resulted in progressive improvements in water quality in the Estuary and mitigate the potential impacts associated

with developments identified in the previous UDP, whilst subsequent AMP programmes will continue this trend to ensure deliverability of LDP. In addition, the progressive removal of surface water from the combined system will result in betterment in terms of the capacity of the sewerage system and discharges into the Estuary.

Foul and Surface Water Drainage

In terms of foul drainage, it is proposed that foul water discharge from the site will be contained in a separate system and will connect to the existing combined public sewer in Copperworks Road, which in turn discharges to the public combined sewer in New Dock Road. Additional survey information to confirm the invert levels of the combined sewer is required prior to a connection point being identified.

As aforementioned in this report, the surface water drainage strategy has changed significantly during the course of the planning application process. It was originally thought that infiltration was not an option on this site and therefore it was originally proposed to attenuate surface water on site and discharge to delta lakes to the south via a new pumped surface water pipe solution. This strategy raised concerns in terms of cost, sustainability and ongoing maintenance. Therefore following further detailed ground investigations, it has been proven that infiltration is feasible in certain areas of the site and therefore a more positive surface water drainage strategy is proposed. The principle of the design will see all landscaped areas on site being used to attenuate rainfall with excessive rainfall volumes being directed to swales to infiltrate into the made ground layer.

In terms of betterment as required agreed by the agreed CBEEMS Memorandum of Understanding, the Drainage Philosophy document originally submitted with the application states that the existing site is currently 100% impermeable area with a positive drainage system. The topographical survey has picked up the existing drainage with cover levels, invert levels and direction of flow. It appears the site drains towards New Dock Road to the east of the development to the combined public sewer. The topographical survey suggests a combined system was in place on site.

The construction of the school will reduce the impermeable area by the introduction of soft landscaping areas. The pre development impermeable area is estimated to be 2.782 ha, whilst the post development impermeable area is 1.327 ha.

Based upon the above surface areas and in accordance with the formulas contained within the MoU, the pre development run off rates to the combined sewer is estimated to be 83.46 litres per second. As a result of the proposed surface water drainage strategy, the post development run off rates to the combined sewer will be 0 litres per second.

The estimated foul flows associated with the proposed school development in accordance with the MoU is 2.65 litres per second. Therefore there will be significant overall betterment of 80.81 litres per second, which equates to 30 times betterment. It is also worth remembering that the previous use made of the site prior to its clearance also created a foul loading of the sewer.

The proposed means of foul and surface water drainage associated with this development is considered acceptable, and is compliant with the MoU.

In this respect it is worth noting that DCWW, NRW and the Authority's Land Drainage Division have raised no objections in relation to drainage subject to the imposition of conditions on any planning permission granted.

Ecology

The application was accompanied by an Ecological Assessment and Japanese Knotweed and Himalayan Balsam Survey and Management Plan.

The proposed landscape scheme will include a range of dedicated wildlife areas all contributing to the bio-diversity of the site. These will include a pollinator lawn, a perennial meadow, an apple orchard, nectar and pollen gardens, hedgerows, woodland and woodland edge planting.

Mainly native species will be used but some non-natives will be included primarily in the meadow, nectar and pollen gardens and woodland edge planting in order to extend the flowering season, thereby creating greater potential for a wider range of birds, insects and small mammals to inhabit the site. A range of features will be sited within the landscape to further encourage wildlife including, bird and bat boxes, insect hotels, log piles and hedgehog houses. There is scope for all of this to tie in with the school's curriculum, encouraging the children to engage with ecology and the wildlife around them.

In terms of priority species and habitats the Ecological Assessment has been carried out and identified the presence of certain habitats and species. Therefore it has been recommended that prior to the commencement of site operations an appropriately drafted method statement will be required to minimize the possible impact on reptiles and amphibians which must include means to prevent the accidental killing and injuring of animals if any are present.

Timing of such initial habitat disturbance work will be limited to between April and September, inclusive, as reptiles are considered to be active in this period and more able to escape disturbance.

It is recommended that site personnel should be made aware of their obligations to these protected species and prior to, and during the initial clearance of vegetation, a finger-tip search should be carried out by the site ecologist to ensure that any animals present come to no harm.

The Authority's Planning Ecologist has considered the reports submitted with the application and advised that the habitats and species recorded on the site include: scrub, sparse grassland potentially used by common reptiles and with potential for use by breeding birds and hedgehog, the plant common broomrape which is of county significance was also recorded. The invasive plant Japanese Knotweed is also present on site.

The Planning Ecologist and NRW raise no objection on ecological grounds provided that conditions are imposed on any planning permission granted. These conditions will need to ensure that the recommendations made in the ecological reports are followed, whilst an Ecological Management and Maintenance Plan must be supplied as a condition of any consent to the Local Planning Authority identifying full details of all the proposed recommendations.

As the site is in hydrological connectivity with the Carmarthen Bay and Estuaries Special Area of Conservation, it is necessary to identify any potential significant effects of the proposed development, on any internationally designated site (SAC, SPA, Ramsar site). A Test of Likely Significant Effect is required to be undertaken and must be informed by NRW's updated response considering changes to surface water and piling requirements. A TLSE will be produced once this information is available. The Local Planning Authority has yet to receive NRW's revised technical response on contamination in light of the revised surface water and piling strategies, however NRW has stated that determination can proceed and such contamination matters can be dealt with under conditions. Once this response is received the Local Planning Authority will proceed to undertake a TLSE and consult with NRW.

EIA Screening

Members are advised that a screening exercise relating to the requirement of an Environmental Impact Assessment was undertaken within the first three weeks of receipt of the application. The proposed development falls within Schedule 2, Part 10b of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999. The area of development exceeds 0.5 hectares which is the applicable threshold for urban development projects, and as such the indicative threshold and criteria as shown in Column 3, Part 10 (infrastructure Projects) of Schedule 2 is relevant. Following due consideration of the proposal, including the significant amount of supporting information submitted with the application, the development was not considered to have significant environmental effects in terms of its siting and size; it does not occupy a sensitive location and will not give rise to any complex adverse impact; and there are no important historical or environmental features associated with the site. On this basis it was not considered that the requirement of an EIA is applicable.

As aforementioned in the preceding section of this report, the Local Planning Authority as the competent authority will undertake a TLSE in relation to this application.

CONCLUSION

The application site is located within the defined settlement limits for Llanelli as delineated in the Adopted Carmarthenshire Local Development Plan, 2014, and forms part of a larger mixed use site allocation with the primary focus being on education.

Policy SP16 of the LDP supports the provision of new community facilities and states that proposals for new education and training related developments will be supported where it supports the settlement framework and accords with the policies of the plan. The amplification to this policy states that proposals should be located in a manner consistent with the settlement framework and will only be permitted where they are either within, immediately adjacent to, or directly related to a recognised settlement. In this respect the current proposal is within the growth area of Llanelli.

The site comprises a previous industrialised site located within a sustainable location, and its redevelopment accords with the vision for the 'Swansea Bay – Waterfront and Western Valleys' area, which includes Llanelli as outlined in the Wales Spatial Plan.

The efficient re-use of this previously developed site, will result in significant economic, environmental and social benefits to the area. The scale and design of the proposed development is considered acceptable within its context, whilst it is considered that the proposed development will not result in any unacceptable residential amenity impacts.

It is considered that the above appraisal has addressed the key material considerations associated with this application in detail.

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 fully accords with the Local Development Plan.

As such this application is put forward with a favourable recommendation subject to the imposition of the following conditions. Members of the Planning Committee are respectfully requested to resolve to approve the application and grant the Authority's Head of Planning plenary powers to release the planning permission following the completion of a Test of Likely Significant Effect, and provided that this is agreed by Natural Resources Wales.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 Prior to the commencement of construction work details of the location, design and colour of all external play equipment, shelters, seating and cctv cameras shall be submitted to, and approved in writing by the Local Planning Authority.
- 3 The landscaping and planting scheme detailed on the drawings referenced Landscape Masterplan 1:500 @ A1 (2140-001-HLM-LA-XX-XX-GA-(90)-001 Rev D4) received 25th August, 2015 shall be carried out in its entirety during the next available planting season (1st October to 31st March) after the completion of the school and shall thereafter be retained.
- 4 No development approved by this permission shall be commenced until an Ecological Management and Maintenance Plan detailing all necessary ecological retentions, enhancements, creation, mitigation and management measures for the development, delivering the ecological recommendations listed on pages 35-40 of the 'Ecological Assessment', dated 9th December 2014 by Pryce Consultant Ecologists, is submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved.
- 5 The recommendations made in the report titled Japanese knotweed and Himalayan Balsam Survey and Management Plan dated 11th May, 2015 shall be undertaken in strict accordance with that report.
- 6 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- (i) A preliminary risk assessment which has identified:
 - all previous uses.
 - potential contaminants associated with those uses.
 - a conceptual model of the site indicating sources, pathways and receptors.
 - potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

7 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority), a verification plan providing details of the data that will be collected in order to demonstrate that the approved remediation strategy is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved verification plan.

8 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

9 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring program a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

- 11 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 13 Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority.
- 14 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.
- 15 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a Construction Management Plan should be submitted to and approved in writing by the Local Planning Authority.
- 16 The rating level of plant noise (including the application of any acoustic feature penalty) emitted from the proposed development shall not exceed the existing background noise level at any time. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and assessing Industrial and Commercial Sound.
- 17 If the authority receives a justified complaint with respect to the development, the operator within a period of 21 days shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for Rating and assessing Industrial and Commercial Sound to determine whether noise arising from development exceeds the level specified in condition 1 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 16 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 16. The development shall then be undertaken in accordance with the approved details.
- 18 The named Multi Use Games Area (MUGA) and the artificial sports pitch facilities shall not be used outside the hours of 08:00am and 21:00pm Monday to Sunday.

- 19 In accordance with the Environmental Noise Report (5853/BL/pw) a 2.4 meter high timber fence/masonry wall shall be retained/erected along the north east and north west site boundary at the rear of residential dwellings.
- 20 Demolition or construction works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.
- 21 Prior to occupation of the development herewith permitted, a minimum number of 58 car parking spaces (each measuring 2.6m x 4.8m, hard surfaced and surface delineated) and 5no disabled car parking spaces (each measuring 3.6m x 4.8m, hard surfaced and surface delineated with appropriate signage and surface markings (as given in CSS Wales' Parking Standards 2008), shall be made available for members of staff only during school times, and thereafter maintained at all times, within the curtilage of the site. Where the layout and number of car parking spaces require separation by traffic aisles these shall be a minimum 6.0m width.
- 22 Prior to the beneficial occupation of the development hereby approved a detailed School Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development shall be submitted to and agreed in writing with the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details and at a timescale to be approved in writing by the Local Planning Authority.
- 23 Prior to the beneficial occupation of the development hereby approved the proposed offsite traffic calming measures shown on the drawing 'Traffic Calming Masterplan 1:500@ A2 (HW01)' received on the 13th April, 2015 shall be undertaken in full to the written approval of the Local Planning Authority and to the specification of the Local Highways Authority.
- 24 Development shall not commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of the school.
- 25 The foul and surface water drainage arrangements to serve the proposed development, which will result in betterment in accordance with the agreed CBEEMS Memorandum of Understanding shall be undertaken in strict accordance with the revised Drainage Strategy Rev D and Revised Drainage strategy plan 1:500 @ A1 (110 – Rev P1) received 25th August, 2015. The scheme shall be fully implemented in accordance with the details shown prior to the beneficial occupation of the new school.
- 26 Prior to the beneficial occupation of the approved development on site a Flood Management Plan should be submitted to and agreed in writing with the Local Planning Authority. This should be operational under all conditions.

- 27 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.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2+3 In the interest of visual amenity.
- 4 In the interests of biodiversity.
- 5 To prevent the spread of an invasive species.
- 6 Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity, being on Secondary Aquifer and contamination is known/strongly suspected at the site due to its previous industrial uses.
- 7+8 To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 9 To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 10 Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 11 There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 12 There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 13 To protect human health.
- 14+15 Prevent pollution of controlled waters and the wider environment.
- 16-20 In the interest of preserving residential amenity.
- 21+23 In the interest of highway safety.
- 22 To promote sustainable means of travel.
- 24+25 To ensure a satisfactory form of drainage and ensure no detriment to water quality.

- 26 Due to the nature of the development plans accessing the site in an extreme flood should be as important as plans evacuating the site. It is recommended that all operational services on site are to be utilised in the event of flooding.
- 27 To protect historic environment interests whilst enabling development.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP16 of the LDP in that a new education facility will be provided that supports the settlement framework of the plan.
- 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 GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.

- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.

NOTE(S)

1 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-

- Flying Start GA floor plan 1:100 @ A3 (14045 L (04) 004 – Rev D2) received 13th April, 2015;
- Traffic Calming Masterplan 1:1500 @ A2 (HW01) received 13th April, 2015;
- GA Ground Floor Plan 1:100 @ A0 (14045/L(04) 001 Rev D2) received 13th April, 2015;
- Flying Start GA roof plan 1:100 @ A3 (14045 L (04) 005 Rev D2) received 13th April, 2015;
- GA first floor plan 1:100 @ A0 (14045 L (04) 002 Rev D2) received 13th April, 2015;
- GA roof plan 1:100 @ A0 (14045 L (04) 003 – Rev D2) received 13th April, 2015;
- Bay study and section – sheet 3 (14045 S (21) 003 – Rev D2) received 13th April, 2015;
- GA rendered elevations 1:100 @ A0 (14045 E (04) 002 – Rev D3) received 27th April, 2015;
- Bay study and section – sheet 1 1:20 @ A1 (14045 S (21) 001 – Rev D3) received 27th April, 2015;
- Flying start GA rendered elevations 1:100 @ A3 (14045 E (04) 004 – Rev D3) received 27th April, 2015;
- Bay study and section – sheet 2 1:20 @ A1 (14045 S (21) 002 – Rev D3) received 27th April, 2015;
- GA sections 1:100 @ A0 (14045 S (04) 001 Rev D3) received 27th April, 2015;
- Flying start GA sections 1:100 @ A3 (14045 S (04) 002 Rev D3) received 27th April, 2015;
- Bay study and section – sheet 4 1:20 @ A1 (14045 S (21) 004 Rev D3) received 27th April, 2015;
- Site information (Drawing no.107) 1:250 @ A0 received 23rd June, 2015;
- Fence details (2140-001-HLM-LA-XX-XX-GA-(90)-011P1) 1:20 @ A0 received 4th August, 2015;
- Sprinkler tank enclosure details (2140-001-HLM-A-XX-00-GA-(21)-001 Rev) 1:50 @ A1 received 4th August, 2015;
- Floodlighting details (00) @ A2 received 4th August, 2015;
- Landscape Masterplan 1:500 @ A1 (2140-001-HLM-LA-XX-XX-GA-(90)-001 Rev D4) received 25th August, 2015;
- Proposed piled foundations details 1:100 @ A0 (010-Rev P2) received 25th August, 2015;
- Proposed site long sections 1:500 @ A1 (111-Rev P1) received 25th August, 2015;
- Drainage strategy plan 1:500 @ A1 (110 – Rev P1) received 25th August, 2015.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

Application No	S/32316
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Application Type	Outline
Proposal & Location	DETACHED DWELLINGHOUSE AT LAND PART OF 1 BAY VIEW, TYLE CATHERINE, PWLL, LLANELLI, SA15 4BE

Applicant(s)	K. DEAN, Highbury House, Ferryside, Carmarthen, Carmarthenshire, United Kingdom, SA17 5SW
Agent	JCR PLANNING LTD - RICHARD BANKS, 43 POTTERY STREET, LLANELLI, CARMARTHENSHIRE, SA15 1SU
Case Officer	Paul Roberts
Ward	Hengoed
Date of validation	14/07/2015

CONSULTATIONS

Llanelli Rural Council – Has objected to the application on the following grounds:-

- 1 The siting of a detached dwelling is considered excessive and in the Council's view will result in the overdevelopment of the site resulting in the loss of garden and amenity space.
- 2 There are concerns over the cramped form of development the site will yield and also the potential detrimental impact the development will have on the amenity and privacy of neighbouring dwellings.
- 3 The development proposal will also have a detrimental impact on highway safety especially access and egress arrangements leading on to a narrow and busy road infrastructure along Elgin Road and Tyle Catherine.

Local Member - County Councillors S M Caiach has not commented on the application to date. County Councillor P Edwards is a substitute member of the Planning Committee and therefore has made no prior comment.

Welsh Water/Dwr Cymru – Has raised no objection to the application.

Neighbours/Public – The neighbouring properties sharing a boundary with the application property have been notified of the application. In response, five letters of representation have been received from neighbouring residents who object to the application and raise the following concerns:-

- On street parking along Elgin Road, the narrowness of the road and restricted visibility at its junction with Tyle Catherine.
- Hazard to pedestrian safety.
- Proximity of the development and new access to the sharp right-angled junction between Tyle Catherine and Elgin Road and impact upon highway safety.
- Increased traffic congestion.
- Narrowness of Tyle Catherine.
- Proximity of the development to the side of the neighbouring property and the impact in terms of loss of light.
- Impact upon the structural integrity of the neighbouring property on the opposite side of Elgin Road which has previously had subsidence problems.
- Asbestos in the roof of the outbuilding in the property adjoining the site.
- The local planning authority have previously refused a number applications for a new dwelling on the site with the latest of these being overturned at appeal by the Welsh Government. Their decision to grant permission gave little consideration to the likely impact upon the road and neighbouring houses.
- Flooding problems.
- Damage to neighbouring properties.
- Impact upon the property to the rear in terms of loss of light and privacy.
- Loss of view to properties on the opposite side of Elgin Road.
- Difficulties caused in terms of access to neighbouring driveways.

RELEVANT PLANNING HISTORY

S/22648	Siting of a detached dwelling house Outline planning refused Appeal Upheld	13 May 2010 23 September 2010
S/17781	Residential development Outline planning refused	08 January 2008
S/15917	1 No. detached house Outline planning refused	27 April 2007
S/07996	Single detached dwelling Outline planning refused	28 October 2004

APPRAISAL

THE SITE

The application site consists of a rectangular shaped parcel of land which presently forms part of the rear landscaped garden of the dwelling known as 1 Bay View located off Tyle Catherine in Pwll. Located on the western flank of Tyle Catherine adjacent to its junction with Elgin Road, the site extends to a width of 23 metres and depth of 12 metres. The land slopes down gradually towards its southern boundary with the semi detached properties of

nos. 1 and 2 Bay View located immediately to the south and being set at a lower level than the site. No.1 Bay View has a detached double garage which adjoins the southern boundary of the site and is accessed via Tyle Catherine.

The northern boundary of the site is contiguous with Elgin Road and defined by a concrete block wall that also extends along its eastern road frontage with Tyle Catherine. To the west lies a two storey dwelling known as Blenheim House that is separated from the site by high block walling. The site is located in a primarily residential area consisting of a mix of detached and semi detached houses with long sloping rear garden spaces.

THE PROPOSAL

The application seeks outline permission for the construction of a detached dwelling house with matters relating to the layout and access of the development being put forward for consideration as part of the application.

The layout plan accompanying the application shows the proposed new house occupying the western half of the site being within close proximity to, and fronting onto Elgin Road. The dwelling is to measure some 8.8 – 9.2 metres in width and 6.8 – 7.2 metres in depth, whilst its ridge level is to be approximately 7 – 7.3 metres in height. It is to have the benefit of a side and rear garden area while the access that currently serves the garage of no.1 Bay View is to be widened to provide a new driveway along the southern boundary of the site. The layout shows provision being made for the parking of 2 vehicles within the curtilage of the proposed new dwelling. The lawned area immediately to the south of the site is to be retained as a garden area for the existing property of no. 1 Bay View.

It is noteworthy that the application site has been the subject of four previous applications for outline planning permission for the construction of a detached dwelling, all of which have been refused by the Local Planning Authority. The latest of these applications, S/22648, was refused on 13 May 2010 on the grounds that the restrictive size of the site would mean that the proposal would result in an unduly cramped form of development that would be incongruous with the existing pattern of development and the elevated position and proximity of the new dwelling relative to the neighbouring properties of nos. 1 and 2 Bay View to the rear of the site would have an unacceptable impact upon the living standards of their respective occupiers by way of loss of privacy and overbearance.

The applicant subsequently appealed the above decision and notwithstanding the Authority's concerns the Inspector presiding over the appeal concluded that the development proposed was acceptable within the wider context and subsequently granted outline planning permission on 23 September 2010. This permission has since lapsed and the current application essentially seeks to renew the previous outline permission.

PLANNING POLICIES

In the context of the current development control policy framework the site is located within the defined development limits for Llanelli as contained in the adopted Local Development Plan. Reference is drawn to the following policies of the Plan.

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

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy 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 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.

Policy H2 permits proposals for smaller housing developments on unallocated sites within the development limits of a defined settlement provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

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 TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land. Policy EP3 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.

From a national Planning Policy Wales (PPW) (Edition 7, July 2014) provides a national overview of planning policy on a wide range of issues and supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance. It 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.

THIRD PARTY REPRESENTATIONS

As highlighted above, a number of letters of representation have been received from neighbouring residents who raise numerous concerns regarding the development while Llanelli Rural Council has also objected to the application. The concerns raised are appraised below.

Turning firstly to the Rural Council's concerns that the proposal would result in the overdevelopment of the site and result in a cramped form of development, the Inspector in granting the previous outline permission opined that the layout of the development would be consistent with the surrounding pattern of development with sufficient space being provided between and around existing development to ensure it would be compatible in scale and siting with its surroundings. On this basis, he concluded that the proposal would not appear cramped or harmful to the character and appearance of the locality and in this regard the proposal is considered to be in accord with the objectives of policies GP1, GP2 and H2 of the LDP.

In terms of the perceived impact upon the living standards of the occupiers of neighbouring properties, the Inspector was of the opinion that the placement and orientation of windows in the new dwelling could be designed to ensure no harmful loss of privacy to the two existing properties to the rear site while suitable boundary and landscaping treatments could limit the amount of mutual overlooking between neighbouring gardens. With this in mind he concluded that there would be no significant loss of privacy beyond that expected in built up areas while the angles and distances between the development and existing properties would ensure there would be no overbearing impact upon adjacent occupiers or an unacceptable loss of light. The proposal is therefore in accord with the requirements of policies GP1 of the LDP.

A common ground of concern amongst respondents is the inadequacy of the local highway network to safely accommodate the development with particular reference being made to the narrowness of the roadways and the current level of on street parking. In granting the previous outline permission, the Inspector concluded that the development was acceptable from an access and highway safety perspective while the Authority's own Head of Transport was of the same opinion whereby he offered no objection to the previous application. The proposal therefore meets the requirements of policy TR3 of the LDP.

The concerns raised regarding potential damage to neighbouring properties and the loss of existing views are not material in the determination of the application. Similarly, the perceived presence of asbestos in the roof of the neighbouring property is outside the scope of planning control and not relevant to the proposal. Concerns regarding the potential flooding of neighbouring properties can be addressed via condition whereby the applicant will be required to provide details of the proposed means of surface water disposal from the development as part of any subsequent detailed application.

CONCLUSION

The application seeks to renew a previous outline planning permission granted at appeal under application reference S/22648 in May 2010 and there have been no material change in circumstances in the intervening period since the granting of this permission that would justify withholding permission in respect of the current application. There are no amenity, highway or public service objections to the development and the proposal complies with the policy objectives of the Authority's LDP.

The application is therefore put forward with a favourable recommendation subject to the applicant entering into a unilateral undertaking or Section 106 Agreement securing a commuted payment towards the provision of affordable housing in the locality in accordance with the requirements of Policy AH1 of the LDP.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 2 The permission hereby granted relates to the land defined by the 1:1250 scale location plan received on 11th June 2015.
- 3 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.
- 4 Development shall not commence until detailed plans of appearance; landscaping and scale of each building stated in the application have been submitted, and received the written approval of the Local Planning Authority.
- 5 Cross sections throughout the site and details of the finished floor and roof levels of the dwelling hereby approved in relation to adjacent properties and the centre of the adjacent carriageways shall be submitted with any subsequent reserved matters or detailed planning application.
- 6 Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of the dwelling.
- 7 The access and parking layout shown on the 1:200 scale site plan received on 11th June 2015 shall be provided in accordance with the details shown prior to the occupation of the dwelling hereby approved and thereafter retained in perpetuity.

REASONS

- 1 The application is in outline only.
- 2 For the avoidance of doubt as to the extent of this permission.

- 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
- 5 In the interest of visual amenities.
- 6 To ensure the installation of an appropriate drainage scheme and to prevent pollution of the environment
- 7 In the interests of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposal complies with Policies H2 of the Local Development Plan in that it is located within the development limits of Llanelli and will be in scale and compatible with the surrounding area.
- The proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and design and will not cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with Policy AH1 of the LDP in that the applicant/developer will contribute towards community benefits as part of the development.
- 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.

NOTE(S)

- 1 This planning permission is granted subject to the covenants contained in a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 securing a commuted payment towards affordable housing provision in the locality.
- 2 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).

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

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

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

Application No	S/32553
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Application Type	Full Planning
Proposal & Location	DEMOLISH EXISTING DWELLING AND CONSTRUCT A REPLACEMENT DWELLING AT GORFFWYSFA, HEOL DDU, LLWYNTEG, LLANNON, LLANELLI, SA14 8JW

Applicant(s)	MRS T DEVICHAND, C/O AGENT
Agent	GORDON RUSSELL CHARTERED ARCHITECT, MOUNT PLEASANT, LLANNON, LLANELLI, CARMS, SA148JW
Case Officer	Gary Glenister
Ward	Llannon
Date of validation	20/08/2015

CONSULTATION

Llannon Community Council – Has not commented to date.

Local Member - County Councillor E Dole has not commented to date. Councillor K Thomas is a member of the Planning Committee and therefore has made no prior comment.

Neighbours/Public – 2No. site notices have been posted and no replies have been received as a result.

RELEVANT PLANNING HISTORY

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

D5/6727	New bungalow Outline planning refused	2 December 1982
D5/4148	Erection of two bungalows Outline Planning refused	19 July 1979

APPRAISAL

The application is being reported to Planning Committee as the applicant is a County Councillor.

THE SITE

The site is part of a small cluster of dwellings in an isolated location off the C2130 road near Llwynteg. Llwynteg itself is a loose collection of houses and small holdings to the East of Llannon which does not have a defined settlement boundary.

The site has a well established chalet type dwelling which has an extant residential use, along with a domestic garden and out building.

The site has a bungalow to either side and a house opposite across the single track access lane.

THE PROPOSAL

The application seeks full planning permission for a replacement dwelling on the site of the existing.

The replacement dwelling is of a single storey appearance however includes loft accommodation. In terms of design, the proposal is for a modest bungalow with front gable feature. The loft accommodation is served by a rear dormer and front velux windows.

In terms of materials, the bungalow is proposed to be rendered with brick detailing under a slate grey concrete slate roof.

The application includes a bat survey as required as demolition is proposed.

PLANNING POLICIES

In the context of the current development control policy framework the site is outside the settlement development limits of Llannon as defined in the Carmarthenshire Local Development Plan (LDP) adopted 10 December 2014.

Policy GP1 Sustainability and High Quality Design states:-

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

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;

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

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

Policy H4 Replacement Dwellings states:-

Proposals for the replacement of an existing dwelling outside the defined Development Limits of a defined settlement (Policy SP3) will be permitted where:

- a) The replacement dwelling is located on the footprint of the existing dwelling, unless an alternative location within the existing curtilage brings significant environmental, landscape or visual improvements;
- b) The existing building is not a temporary structure, nor the subject of a temporary consent;
- c) The design and materials of the replacement dwelling are appropriate to the character and appearance of the area;
- d) The scale of the proposed dwelling is not disproportionate in size to the existing dwelling;

- e) There are no adverse effects on access, parking or utility services, or on local amenity;
- f) There are no adverse effects on nature conservation interests, the setting or integrity of the historic environment and the landscape/ townscape;
- g) The existing dwelling is demolished immediately prior to, or upon, its replacement.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 7 – July 2014 provides the following guidance.

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

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

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

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

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

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

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

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

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

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

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme should be presented in the design and access statement where one is required.

CONCLUSION

After careful consideration of the site and surrounding environs, on balance, it is considered that the existing chalet type dwelling is a long established residential unit which is not of any particular historic or architectural interest. The replacement dwelling is on the footprint of the existing and is of a modest scale which is considered to comply with the above policies.

There is no net increase in dwellings so no affordable housing contribution is required.

The Bat Survey revealed bat activity in the area however does not reveal any bat use of the building itself.

The proposal is not likely to have a detrimental impact on the amenities of third parties and is therefore in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 No development hereby approved shall commence until details and/or samples of external roof and wall materials have been submitted to and approved in writing by the local planning authority.

- 3 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles
- 4 Any works affecting the buildings/vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3 In the interests of highway safety.
- 4 In the interests of biodiversity.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposal complies with Policy H4 as it is an appropriate modest scale replacement dwelling that is not likely to have an unacceptable impact on biodiversity or the amenity of third parties.

NOTE(S)

- 1 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans dated 7 July 2015:-
 - 1:1250 scale Location Plan;
 - 1:500 scale Block Plan. Drawing No. 547/01;
 - 1:100 & 1:200 scale Existing Elevations & Layout Plan. Drawing No. 547/02;
 - 1:100 scale Proposed Floor Plans. Drawing No. 547/03;
 - 1:100 scale Proposed Elevations and Typical Section. Drawing No. 547/04.
- 2 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

- 3 Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulation and a copy thereof has been produced to the Local Planning Authority.

The applicant should be aware of their legal duties regarding certain protected species. All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994). Bats are also fully protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended*). Under the Conservation Regulations (1994) it is an offence deliberately to capture or kill a wild animal of a European protected species; deliberately to disturb any such animal; or to damage or destroy a breeding site or resting place of such an animal. For bats this includes roosts that are not currently being used.

If bats are encountered on site works should stop immediately and Natural Resources Wales should be contacted (Natural Resources Wales, - General Enquiries: enquiries@naturalresourceswales.gov.uk or 0300 065 3000 Mon-Fri, 8am - 6pm) - an EPS development licence may then need to be applied for. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

Nesting Birds

In addition the applicant should be made aware of the possible presence of nesting birds using the buildings and the protection afforded to them. Under the Wildlife and Countryside Act (1981) (as amended) it is an offence to kill or injure any wild bird or damage or destroy the nest of any wild bird whilst that nest is being built or is in use. The breeding bird season is generally taken to be mid-March to mid-August. As such no work should be carried out during the breeding season, unless it can be demonstrated that nesting birds are absent.

- 4 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 5 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 6 It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	S/30698
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Application Type	Full Planning
Proposal & Location	REPLACEMENT BARN FOR BUSINESS USE AND ONE HOLIDAY LET AT BARN AT CAPEL IFAN FARM, HEOL CAPEL IFAN, PONTYBEREM, LLANELLI, SA15 5HF

Applicant(s)	GWENDA OWEN, CAPEL IFAN, HEOL CAPEL IFAN, PONTYBEREM, LLANELLI, SA15 5HF
Case Officer	Gary Glenister
Ward	Pontyberem
Date of validation	21/08/2014

CONSULTATIONS

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

Pontyberem Community Council – No observations received to date.

Local Member - County Councillor J S Williams has requested that the proposal be determined at Planning Committee.

Natural Resources Wales – Has no observations however draws reference to standard guidance notes.

Neighbours/Public – The application has been advertised by posting of two site notices, with no replies received to date.

RELEVANT PLANNING HISTORY

There is no relevant planning history in respect of the barns.

S/26736	Barn conversion into business use and two holiday flats Full planning permission	31 July 2012
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APPRAISAL

This application has been submitted following an investigation/action undertaken by the Authority's planning enforcement officers.

This application is being reported to Planning Committee as the applicant's husband is a Member of Planning Committee. Members will recall the application was first reported to Committee on 9th October 2014 and deferred for site visit which took place on the 18th November 2014. The application was further reported to Committee in 10th February 2015 to ratify the conditions. However, the applicant requested amendments prior to the decision being dispatched and the remaining walls of the building were subsequently removed circ. May 2015 so it is not possible to implement the conversion.

The building is in the process of being re-built hence the nature of the application and design has changed and is therefore being re-reported as a new build development. It should also be noted that the application needs to be reassessed in light of the Local Development Plan policies adopted in December 2014.

THE SITE

The site was formerly a double barn immediately adjacent to Capel Ifan Road. The barns formed part of the original farm complex for Capel Ifan Farm. The farm was recorded as belonging to the Dun Lee family in 1613 and Rudd family later in the 17th Century, so the barns had some historic interest. They were not however listed as they had been modified over time.

The barn was formerly in two parts, the greater was a traditional stone built construction, however the second was a mix of stone and more modern brick and block materials. Planning permission was granted for the conversion of the two barns for commercial purposes in 2012. However, the applicant removed part of the building and a new application for part new build was submitted in 2014. It was considered that the amended proposal was not in accordance with Policy however Committee approved the amended scheme contrary to officer recommendation after conducting a site visit. Prior to the permission being released, the applicant sought to amend the proposal as a working amendment and subsequently the original structure has been entirely removed. The barn is currently in the process of being re-built.

This application was submitted as a result of an enforcement investigation into the substantial demolition of the original building and non-compliance with the original permission. Given the fact that the remaining walls of the building have now been demolished and the entire building is not being replaced, the proposal has changed from being a conversion of an existing barn to a new building development for business and holiday purposes.

The site is in an open countryside location outside limits to the South West of Pontyberem.

THE PROPOSAL

The application seeks retrospective permission to rebuild the barn for business use and for one holiday unit.

The scheme has been materially amended since the last report to Committee in that a side extension measuring 6.23m by 1.5m for a reception area has been added and a first floor proposed over the business unit in addition to the formation of the two storey holiday unit.

A revised supplementary statement to the original Structural Report has been submitted which seeks to justify the replacement of the barn with a new building. The Structural Engineer in his statement dated 19th June 2015, states the following:-

“Our original report recorded that these random rubble stone walls contained outward leans and were highly voided. These leans seem to have increased while the continued disintegration of the rubble core and jointing, following the exposure of the walls to the elements over the last couple of years, has reduced further the structural integrity of the masonry.

The revised proposals for the building involve the formation of additional openings within the side walls including the formation of a large new opening at the proposed reception area. The formation of these new openings will leave relatively small lengths of walling and piers between these openings. Considering the present condition of these walls, the physical act of forming these new openings is likely to lead to considerable disturbances to the lengths of masonry to either side of these openings.

The further deterioration of the limewash jointing and timber lintels in these remaining wall areas together with the need to form these additional opening, leads us to have both long term stability concerns for these walls and potential health and safety issues when the works are undertaken. We would therefore advise and recommend that these remaining stone walls are completely taken down and re-build in dense concrete blockwork on new foundations. If required, selected stones from the demolished walls could be salvaged and used as an external lining to these new walls.”

A Bat report has been submitted which revealed passing bat activity at a distance; however there were no observed bat visits to the buildings themselves. The conclusion of the study was that there no bat or barn owl interest.

PLANNING POLICIES

In the context of the current development control policy framework the site is outside the settlement development limits of Pontyberem as defined in the Carmarthenshire Local Development Plan (LDP) Adopted 10 December 2014.

Policy SP1 Sustainable Places and Spaces states:-

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

- a) Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;
- b) Promoting, where appropriate, the efficient use of land including previously developed sites;
- c) Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;

- d) Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;
- e) Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;
- f) Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;
- g) Utilising sustainable construction methods where feasible;
- h) Improving social and economic wellbeing;
- i) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development."

Policy GP1 Sustainability and High Quality Design states:-

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

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

- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

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

Policy EMP2 New Employment Proposals states:-

“Proposals for employment developments which are within, adjacent or directly related to the Development Limits of all defined settlements (Policy SP3) will be permitted provided that:

- (a) A sequential search has been undertaken identifying that there is no allocation or existing employment site available that can reasonably accommodate the use, followed by there being no suitable land or building (for conversion or re-use) available within the Development Limits, then adjacent to limits, and finally on a site directly related to a recognised settlement;
- (b) The development proposals are of an appropriate scale and form, and are not detrimental to the respective character and appearance of the townscape/landscape;
- (c) The development proposals are of an appropriate scale and form compatible with its location and with neighbouring uses.”

Policy TSM4 Visitor Accommodation states:-

“Proposals for new build serviced or self catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15.

Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self catering visitor accommodation will be permitted where it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.”

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 7 – July 2014 provides the following guidance.

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

development, including its construction, operation and management, and its relationship to its surroundings.”

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

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

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

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

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

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

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

Paragraphs 2.6 & 2.7 of Technical Advice Note 12 Design (2014) state:-

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

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure

that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme should be presented in the design and access statement where one is required.

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

3.1.1 Strong rural economies are essential to support sustainable and vibrant rural communities. A strong rural economy can also help to promote social inclusion and provide the financial resources necessary to support local services and maintain attractive and diverse natural environments and landscapes.

3.1.2 Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment⁷. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment.

CONCLUSION

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 barn was a mix of traditional stone construction and newer additions. The original application was approved on the basis that it was the re-use of the rural building which was said to be structurally sound and capable of conversion. The policies on conversion would support the mix of commercial uses as originally approved, however the barn has been demolished so the scheme needs to be considered as a new build employment development in the open countryside and considered accordingly in this context.

It should also be noted that the adoption of the LDP in December 2014 has changed the policy context and therefore should be considered in accordance with the new policies as set out above.

Under policy EMP2 there is a requirement for a sequential approach to be undertaken which first considers premises within settlements then considers sites immediately adjacent to or directly related to settlements. In this case, there are empty commercial premises in Pontyberem which could be used for business purposes and these would be more sustainable being better related to the population who would use the beauty salon without the need to use a car. The site is not directly related to either Pontyberem or Ponthenri as it is situated in open country between the two settlements. The proposal therefore fails to comply with Policy EMP2.

Policy TSM4 on holiday accommodation is clear that proposals within settlement limits will be approved, however outside limits accommodation will only be permitted where the scheme is for the re-use of rural buildings using the same considerations as a residential conversion (i.e. that the building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re- construction and the building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure.) The original approved scheme would comply with this policy as it

included the re-use of the barn, however the scheme as amended proposes the entire rebuilding of the barn and is therefore not in accordance with Policy TSM4 or the relevant criteria in Policy H5.

Whilst the principle of rural enterprise is supported by local and national policy in order to create jobs and diversify the rural economy, the policies are predicated on the re-use and adaptation of rural buildings. As an exception, new development in rural areas is only allowed when a sequential approach is taken and it can be demonstrated that there are no premises available within settlements as first and any new build is immediately adjacent or directly related to sustainable settlements. In this case a sequential approach has not been taken and the business and holiday accommodation is new development in the open countryside between the settlements of Pontyberem and Pontiets and is not therefore immediately adjacent or directly related. The proposal is not therefore considered to be in accordance with the above policies.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy EMP2 “New Employment Proposals” of the Carmarthenshire Local Development Plan:-

Policy EMP2 - New Employment Proposals

‘Proposals for employment developments which are within, adjacent or directly related to the Development Limits of all defined settlements (Policy SP3) will be permitted provided that:

- a) A sequential search has been undertaken identifying that there is no allocation or existing employment site available that can reasonably accommodate the use, followed by there being no suitable land or building (for conversion or re-use) available within the Development Limits, then adjacent to limits, and finally on a site directly related to a recognised settlement;**
- b) The development proposals are of an appropriate scale and form, and are not detrimental to the respective character and appearance of the townscape/ landscape;**
- c) The development proposals are of an appropriate scale and form compatible with its location and with neighbouring uses.’**

In that the scheme is an unjustified new employment proposal in the open countryside which is not within, adjacent or directly related to a settlement. No justification has been submitted to demonstrate that a sequential approach has been undertaken which first considered sites in a nearby settlement or re-use of an existing building as originally approved.

- 2 The proposal is contrary to Policy TSM4 “Visitor Accommodation” of the Carmarthenshire Local Development Plan:-

Policy TSM4 - Visitor Accommodation

‘Proposals for new build serviced or self catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15.

Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self catering visitor accommodation will be permitted where it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.’

In that the scheme includes a new build holiday unit outside the defined settlement development limits of a recognised settlement and not the re-use or adaptation of an existing building.