

Application No	W/33572
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Application Type	Full Planning
Proposal & Location	PROPOSED CONSTRUCTION OF 28 DWELLINGS WITH NEW SITE ACCESS ROAD AT FORMER WHITLAND CREAMERY SITE, MARKET STREET, WHITLAND, SA34 0HN

Applicant(s)	WHITLAND GREEN PARK LIMITED, C/O AGENT
Agent	C2J ARCHITECTS & TOWN PLANNERS - ARRAN DALLIMORE, UNIT 1A COMPASS BUSINESS PARK, PACIFIC ROAD, OCEAN PARK, CARDIFF, CF24 5HL
Case Officer	Helen Rice
Ward	Whitland
Date of validation	30/03/2016

CONSULTATIONS

Head of Transport - No objections subject to the imposition of conditions to secure the necessary visibility splays, internal carriageway widths, car parking provision and a financial contribution of £28,000 towards upgrading pedestrian and public transport links within the community.

Whitland Town Council – No response received.

Local Member – Cllr Susan Allen has requested that the application be considered by the Planning Committee and consideration given to the need for Members to undertake a site visit to the site, particularly approaching the site by rail.

Head of Public Protection, Social Care and Housing – No objections to the proposals however, the site forms part of a former industrial use and thus it is recommended that a suite of conditions is imposed to initially require a desk based preliminary risk assessment of the land to ascertain potential contaminant sources, pathways and receptors. Subject to the results of such surveys, a further detailed scheme of investigation (including site sampling) and recording of contamination may be required along with a remediation strategy. In addition, further conditions have been recommended to request the submission of a construction phase dust mitigation scheme and noise management plan in the interests of the amenity of local residents and businesses. The development would not trigger the requirement for an Air Quality Assessment on its own accord.

Head of Planning Policy - Reiterates concerns that this proposal does not offer any additional justification to support the loss of employment land in favour of a residential development. The development also has the potential to further reduce the likelihood of further parts of the employment allocation being development by virtue of the residential element's close proximity to the proposed employment uses. The proposal would undermine the LDO strategy aimed at creating sustainable communities through a range of development opportunities central to which is that of ongoing employment potential within Whitland and its wider hinterland.

Arboriculture Officer – No objections.

Planning Ecologist – No objections to the development subject to the imposition of conditions specifying that the development works are carried out in accordance with the submitted reports, vegetation/clearance works to be undertaken outside the bird nesting season (March – August), submission of a lighting plan for approval prior to the commencement of development, retention of a 7m development free buffer strip along the length of any watercourse, submission of a Pollution Prevention Statement for both the construction and post-construction phase, to carry out a reptile survey of the site and the submission of any subsequent surveys as deemed necessary prior to the commencement of development and to require the submission of a scheme to prevent the spread of invasive species such as Japanese Knotweed, Himalayan Balsam and Cotoneaster.

Countryside Access Officer – No objections to the development subject to the applicant/developer being made aware that public footpath 66/2 abuts the site and of the requirement not to obstruct or encroach upon it at any time.

Land Drainage - Confirming that their response on the previous application remains valid, that requested assurances from the developer regarding the measures to secure the drainage and flooding mitigation measures proposed and their maintenance in perpetuity. Without this assurance from the developer the land drainage section would not be in a position to support the application. They have advised that should the developer prefer for the mitigation measures to be adopted by the Council, then a suitably worded condition requiring the submission of full details of the works prior to the commencement of development for formal approval would be considered acceptable. The section does not raise any objections to the submitted Drainage Strategy although they have suggests that should the application be approved, a condition requiring the full details of the drainage arrangements is required to be submitted prior to the commencement of development.

Department for Education and Children - The department has advised that the development would attract a contribution of £16,800 towards both primary and secondary school provision within the site's catchment area (Ysgol Llys Hywel, Ysgol Dyffryn Taf and Ysgol Bro Myrddin).

Natural Resources Wales - They have expressed significant concerns with the proposed development as submitted and recommend that planning permission should only be given subject to the imposition of a suite of planning conditions to ensure that the development would not have an unacceptable effect on the River Gronw and species that utilise it. The written response includes advice relating to flood risk, protected species, invasive species, contaminated land, waste management and pollution prevention as follows:

Flood Risk – the proposal involves the siting of highly vulnerable development, partially within flood zone C1 of the River Gronw. The submitted FCA indicates that the site has not flooded in the past and that the housing element of the proposal is shown to be flood free. However the proposed elevated road has the potential to displace flood water and therefore mitigation in the form of compensatory storage which relies upon a large culvert to convey flood water beneath the proposed road to a storage area is proposed. NRW comment that it is vital that the correct maintenance and operation of the culvert and storage area are secured for the lifetime of the development, either through adoption by the Council or via an appropriate Section 106 agreement. Without such assurances, the mitigation measure could not be relied upon and thus the development would not be supported. NRW also advises of the need for the applicant/developer to apply for a Flood Risk Activity Permit (formerly a Flood Defence Consent).

Protected Species – recommend the imposition of conditions relating to lighting and the provision of a 7m buffer zone closed off to prevent any form of public access to ensure that its undisturbed nature, in the interests of biodiversity, is maintained.

Invasive Species – recommend the imposition of a condition to require the submission of an invasive species management plan prior to any works commencing on site.

Contaminated Land – due to the historic uses of the site and its location on a secondary B aquifer (i.e. predominantly lower permeability layers which may store and yield limited amounts of groundwater due to localised features such as fissures, thin permeable horizons and weathering) and proximity to the River Gronw, the site is sensitive in relation to controlled waters. Therefore, NRW suggest the imposition of a suite of conditions to initially require a desk based preliminary risk assessment to be undertaken that seeks to ascertain the likelihood of contamination and the steps required to ensure that any such contamination is adequately dealt with to avoid any detrimental impacts to controlled waters.

Waste Management – NRW advises that the treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Therefore the developer is advised to ensure that all contaminated waste materials are adequately managed and the necessary permits are in place.

Pollution Prevention – Due to the site's proximity to the River Gronw and the potential for a pollution incident, particularly at the construction phase, NRW advise that the developer should produce a method statement detailing all necessary pollution prevention measures during the construction phase and that such a method statement is implemented in full. Further details of the content of such a method statement has been provided by NRW in their response to the application.

Dwr Cymru/Welsh Water – No objection to the proposals subject to the imposition of a condition to require the submission of a detailed foul, surface and land water drainage scheme for the site.

Dyfed/Powys Police Community Safety – Requests that the developer works with Dyfed Powys Police to ensure that the development adopts the Secured by Design principles.

Neighbours - The application was the subject of notification by way of site notices and publication in the local newspaper. No representations have been received as a result.

RELEVANT PLANNING HISTORY

The application site has been the subject of extensive planning history over the course of the years. Members will recognise the site as forming part of the Whitland Creamery which closed in 1994 with many of the associated buildings demolished in 2003. Since the closure of the Creamery, given the central location of the site in relation to the town centre of Whitland, redevelopment of the site has been a firm objective which is reflected in the site's continued allocation for development within the Development Plans that have been in force since that time.

A "Whitland Creamery – Site Development Strategy" was prepared by the previous owners, Dairy Crest, in conjunction with the Council, the then WDA and the local community, which included an overall strategy to redevelop the site for a mixture of uses, including residential, commercial and leisure.

The wider site was allocated in the 2006 adopted Unitary Development Plan as a strategic site for re-development with the suggestion that the site would be suitable for storage and warehousing uses, light industry, residential and open space. The policies of the UDP required strategic sites to be the subject of a Development Brief and that subsequent applications would need to accord with the content of that brief. The new site owners had various discussions with the Council to inform a redevelopment scheme and preparation of a Development Brief that reflected the above strategy and allocation but having regard to various studies, including a Flood Consequences Assessment. The culmination of which was the preparation of a masterplan for the wider site area in 2009 which included various uses for the wider site including residential, employment, doctor's surgery, new school and open space. The site was proposed to be brought forward in phases and the new site owners engaged in various discussions to facilitate the submission of applications. These discussions were ongoing at the same time that the preparation of the Local Development Plan was taking place.

The mixed use allocation of the site was carried forward into the Deposit Draft LDP that was published in 2011. Draft Policy EMP6 at that time identified that its allocation for mixed use purposes would enable a mixture of uses which would contribute towards the regeneration of an edge of town centre location although regard must be had to flood risk constraints which affect part of the site.

As the LDP progressed through the review and examination process, the site's allocation was amended in July 2013 as a Focused Change following the receipt of representations from the Welsh Government raising concerns over allocations that were located within flood zones. Following a review of allocations, it was evident that part of the Whitland Creamery site was within a flood zone and as a result, the site allocation was reduced to only include the land which fell outside the flood zone. This effectively removed the area to the west of the River Gronw which fronts onto St Mary's Street and land immediately to the east of the river fronting Market Street from the allocation. The removal of this section of the site in combination with a review of the other housing allocations within the town, resulted in the remaining land being allocated as an Existing Employment Area, a Proposed Employment Area "white land" (i.e. land within the settlement without a specific allocation). This amendment was subsequently endorsed by the LDP Planning Inspector and the site's allocation was confirmed as it now appears in the LDP.

Prior to the adoption of the LDP, a planning application for a residential development proposal on the same site the subject of this application was formally registered in July 2014.

At that time the proposal was broadly compliant with the site's allocation within the UDP for a mixed use site. Whilst the LDP was at an advanced stage, having completed the Examination process which included consideration of the Focused Changes which indicated the proposal to remove the site's mixed use allocation, the Unitary Development Plan remained to be the Development Plan for the County against which all applications were to be considered against. Therefore, no objections in principle to the scheme were raised at that time, although concerns were raised regarding the proposed location of the housing and its potential to sterilise neighbouring established employment areas, the lack of affordable housing provision and flood risk issues which had to be addressed prior to the determination of the application.

Various discussions ensued however matters were not addressed prior to the Local Development Plan's adoption in December 2014 which had the effect of superseding the Unitary Development Plan. All applications then had to be considered against the policies of the Local Development Plan unless material considerations indicated otherwise. As a consequence, following a series of correspondence with the applicant regarding the proposals and the submission of various additional information to seek to address the previously raised concerns, a fundamental policy objection was now present and whilst the applicant sought to address this objection, it was not considered that there were sufficient material reasons for recommending approval of the application that would directly conflict with the recently adopted Local Development Plan. The application was therefore refused under delegated powers in January 2016 on grounds that the proposal would negatively impact on the employment provision of the settlement with the loss of allocated proposed employment land as identified in the LDP, and the development also had the potential to further reduce the likelihood of further parts of the employment allocation being developed by virtue of the residential element's close proximity to the proposed employment uses. The loss of the site as employment land could lead to insufficient quantity, quality and variety of land to meet the needs of the local area. This could lead to a potential shortage of suitable employment land provision in the settlement and could lead to economic growth being constrained.

This application is a re-submission of the above refused application.

APPRAISAL

INTRODUCTION

This application is being reported to the Planning Committee following a call-in request by County Councillor Susan Allen on grounds of the site's importance as a strategic site and exceptional visual amenity. Members resolved to defer determination for the application pending a site visit at the 23 June 2016 Planning Committee.

THE SITE

The 1ha application site comprises part of the former Dairy Crest Creamery site situated to the east of Whitland Town Centre. The site the subject of this application is defined by the principal road into Whitland known as Spring Gardens/Market Street to the north, the

access road into the established existing employment area to the west, remnants of the previous industrial site (now vacant) to the south with the railway line beyond and the River Gronw to the east. The largest portion of the site is on an elevated plateau that is generally level with the adjacent existing employment area although overall there is a level difference of circa 5m between land immediately adjacent to the River Gronw and the site's boundary with the employment area to the east. Similarly, the site is between 2.5m and 1m above the adjacent highway.

The existing frontage onto Market Street comprises low stone walls with railings, with a section of palisade fencing and wooden fencing with dense thicket and shrubs and mature golden and green Cypress trees behind. Whilst this vegetation serves to screen views of the site from the west, the site is clearly visible on the approach into the town from the east. Despite being devoid of any built form, remnants of the previous use of the site is evident, with areas of concrete hardstanding, foundations and compacted earth visible across the site. The western boundary is well defined by the river corridor and associated vegetation with a steep level change from the site level down to the river bank.

Vehicular access is achieved via the existing employment area which utilises the principal access road into the wider site area from Spring Gardens. Footpath 66/2 shares this access road which links Spring Gardens to St Mary's Church to the south of the town via a level crossing over the railway line.

Whilst forming part of the wider Dairy Crest site, during its operation the site was occupied by office buildings with the site's frontage with Market Street remaining undeveloped due to the local land profile.

Given the site's proximity to the River Gronw, sections of the western portion of the site are situated within flood zone C1 (served by significant infrastructure, including flood defences) and flood zone B (areas known to have flooded in the past).

The surrounding area is dominated by the existing employment area to the east, terraced and semi detached residential properties along Spring Gardens to the north west, the Fishers Hotel Public House directly north, and Ysgol Llys Hywel and recreation ground to the north east. Pedestrian access from the site to the town is provided via pavements alongside the highway, with footpath 66/2 providing pedestrian links to areas to the south of the railway line.

THE PROPOSAL

The proposal seeks full planning permission for the erection of 28no. detached, semi-detached and terraced two storey residential properties (including 8no. affordable units) comprising 6no. 5 bed units (Plots 20, 21, 22, 23, 26 and 27), 9no. 4 bed units (plots 1, 6, 7, 8, 17, 18, 19, 24 and 28) and 13 no. 3 bed units (plots 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16 and 25). Each dwelling would be served by at least 2no. off-street parking bays, with the 5 bed units served by integral garages and forecourt parking. Dwellings are proposed to be finished in render with natural stone detailing and slate roofs, white uPVC windows, doors, fascias, soffits and bargeboards. A mix of close boarded fencing, acoustic fencing and stone walls are proposed as boundaries.

A new access directly from Market Street is proposed with the creation of an internal cul-de-sac arrangement with the majority of properties fronting onto the internal access road with the exception of the frontage properties (plots 1 -6) that will face onto Market Street.

These properties would be served by a footpath along their immediate frontage to link with a proposed pedestrian opening on the site's frontage with Market Street. The internal road arrangement includes possible access opportunities for future development of adjacent land to the south and east.

The submitted layout indicates the provision of a landscaped area along the site's frontage with Market Street, retaining the existing stone wall and provision of a new boundary fence. A further area of landscaping is proposed along the western boundary of the site that adjoins the river corridor creating a wide landscape "buffer zone" between the rear garden areas of properties and the adjacent river. A 2m acoustic fence is proposed along the southern and eastern boundaries adjoining the neighbouring employment areas, with the existing stone wall retained along the north eastern boundary with the existing access road. A further structured planting zone is proposed behind the acoustic fence along the southern boundary.

The dwellings would be located at the elevated level with finished floor levels at their highest set at 24.9m AOD in the north eastern corner (approximately 0.5m above existing ground levels) and 22.2m AOD at their lowest in the south western corner (approximately 1.5m above existing ground levels). Due to the local land profile, the rear gardens of plots 22 – 28 would include sloping ground with plot 28 in particular having a steep section of rear garden.

The application is supported by an Ecological Appraisal Report, Tree Condition and Arboricultural Impact Assessment Report, Landscape and Visual Impact Assessment, Flood Consequences Assessment, Drainage Strategy, Transport Statement and a Planning, Design and Access Statement the contents of which are summarised below.

Ecological Appraisal Report

The report indicates that the areas of hard standing, bare earth and improved grassland are considered of little or no ecological interest with the existing vegetation areas, principally along the riparian corridor and along the frontage of the site considered to be of local ecological interest and likely to provide resources for reptiles, birds and foraging and commuting mammals (including Otters) as well as contributing to local habitat connectivity, and thus should be retained as an appropriate "buffer strip" and used to frame the development footprint. These areas are recommended to be excluded from prospective residents and rather appropriately managed to ensure their ecological contribution is retained. The report suggests that some of the existing trees on the site could support bats and thus any works to such trees would need to take place in the appropriate season. Furthermore, the report identifies the need for further surveys to ascertain the likely presence of common reptile species to subsequently inform appropriate mitigation measures if deemed necessary. Areas of invasive non-native plants, including Japanese Knotweed, Himalayan Balsam and Cotoneaster were also identified.

Tree Condition and Arboricultural Impact Assessment Report

The proposal involves the retention of the majority of existing trees within the proposed layout as they are primarily concentrated around the site perimeters. Nevertheless, some removals would be required to facilitate the proposed access although this would only involve the removal of lower grade trees (Category C). A mature Cypress, identified in the report as a prominent feature in the landscape when viewed from Market Street, is proposed to be retained within the proposal within the frontage landscaping/flood storage

area. The report includes the recommended Root Protection Areas and Methods that would need to be implemented during the construction process.

Landscape and Visual Impact Assessment

This report assesses the potential impact of the redevelopment of the wider application site and thus does not wholly focus on the site the subject of this application. Nevertheless, the report concludes that given the site's location within LANDMAP Visual and Sensory Aspect Area classed as Urban, redevelopment proposals would not have a significant effect and whilst views of the site would change, these changes would not be significant and would rather be viewed within the context of the site's urban setting.

Flood Consequences Assessment

The results of hydraulic modelling, including sections that allow for blockages at Whitland Bridge (immediately to the west of the application site) and the railway bridge, indicate that whilst the site area earmarked for the proposed dwellings would remain above flood levels, the area proposed for the access, due to its natural lower level would be affected with flood depths of between 700mm (1% plus climate change flood event) and 1300mm (0.1% flood event). Consequently, to ensure a safe access/egress route to/from the proposed development as required by TAN15, the proposed access would be raised on an embankment to levels that exceed the modelled maximum flood levels. However, this would result in a reduction in the flood storage area and thus the FCA includes a flood compensation scheme that seeks to ensure that the proposed development would not result in the overall loss of floodplain storage. This compensation scheme includes the construction of a concrete box culvert beneath the raised road embankment with the aim of conveying floodwaters to a flood storage area located within the proposed landscaping area.

Drainage Strategy

The applicant has held discussions with Welsh Water who confirm that the Public Sewer in Market Street can accommodate the peak design flow from the proposed development. In the absence of public surface water sewers, an outline drainage strategy has been prepared which includes the construction of a new outfall to the River Gronw coupled with a below ground storm attenuation tanks to restrict peak surface water run-off from the development to greenfield run-off rates during a 1 in 100 year plus 30% climate change storm event. The proposed tanks are proposed to be located under the proposed internal road.

Transport Statement

The submitted transport statement reviews the development proposals for the wider site, and concludes that the wider development would not have a noticeable impact on the local highway network.

Planning, Design and Access Statement

This document sets out the background for the proposal, the relevant policy context as well as the statutory requirements for a Design and Access Statement and has been updated to reflect consideration of the previous application that was refused. In particular, the document highlights the timing of the previous application that was submitted under

the UDP whereby the then policies were supportive of the development although the application was ultimately determined under the LDP. The document seeks to draw similarities between other applications that have been determined by the Planning Committee in recent months whereby applications that had fallen within the same period were considered under the UDP rather than the LDP.

The first application referred to is a development that was submitted under the UDP for a residential development on land that was then partially excluded from the LDP. The applicant suggests that the application was approved contrary to officer recommendation. The application was in fact recommended for approval prior to the adoption of the LDP, but due to a resolution for a site visit, the application was then considered by the Planning Committee under the LDP. The recommendation for approval remained on the basis that part of the site remained to be within the LDP and specifically allocated for residential development, although the proposal would comprise a departure from the LDP for the remainder of the site now excluded from the development boundary.

The second application referred to was recommended for approval despite its exclusion from the settlement boundary and the Planning Committee resolved at that time that sufficient material considerations outweighed the departure from policy and resolved to approve the application subject to a Section 106 agreement. However, this application, at the time of writing, remains undetermined due to issues concerning the Section 106 agreement which goes to the heart of the material considerations argument.

Whilst evidently comparisons can be drawn from the above mentioned applications, each application has to be considered on its own merits. It remains to be the case that material considerations can outweigh a policy conflict, provided that those material considerations are sufficient and fully justified.

The document provides a summary of the proposals and supporting documents and confirms that 8no. units would be earmarked as affordable housing and that the applicants are willing to enter into a planning obligation to contribute towards necessary infrastructure, community facilities and other services to meet requirements specifically arising from the development.

In terms of seeking to address the policy conflict of a residential development on land allocated for employment, the DAS sets out that there has been no market interest for developing the site for employment purposes since 2004, that there is opportunities to create additional employment opportunities on the adjacent "existing employment area" site and that there has been limited interest in long term occupation of the existing units. The DAS also questions the capability of the site to be developed for employment purposes, the over allocation of land for employment purposes in the LDP, the current lack of a five year housing land supply and that existing residential allocations within Whitland that are not coming forward. The DAS also comments that the proposal would only result in the loss of 1.21ha of the allocated employment area and that there is sufficient land within the existing employment area to compensate for this loss.

The document specifies the developers long term plans for the wider site to comprise further residential development to the south of the current application site, mixed employment areas on the existing employment area to the west and public open space.

PLANNING POLICY

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP') and other relevant Welsh Government Guidance. The majority of the application site lies within the settlement of Whitland, with the exception of the eastern boundary and the location of the proposed access which is located outside the settlement boundary. The area within the settlement boundary includes land that is allocated as an existing employment area, proposed employment area and "white land". The following policies are of key relevance to the proposal:

Policy SP1 Sustainable Places and Spaces stipulates that proposals for development will be supported where they reflect sustainable development and design principles by concentrating developments within defined settlements, making efficient use of previously developed land, ensuring developments positively integrate with the community and reflect local character and distinctiveness whilst creating safe, attractive and accessible environments that promote active transport infrastructure

Policy SP3 Sustainable Distribution Settlement Framework seeks to concentrate development in sustainable locations within existing defined settlements such as identified growth areas, service centres, local service centres and other defined sustainable communities. This policy is further supplemented by **Policy GP2 Development Limits**.

Policy SP7 Employment – Land Allocations was informed by an Employment Land Study as part of the Local Development Plan process which calculated that 34.1ha of employment land was required to be delivered in the County by 2013 to accommodate the forecasted employment need. However, to provide a range and choice of sites that supports potential employment land needs beyond the Growth Areas the overall employment land allocation was increased. This increase served to directly respond to the sustainable distribution of growth objectives set out in the LDP. Three sites are allocated within Whitland as proposed employment areas, 0.27ha at West Street (T2/6/E1) for B1 and B8 uses, 1.07ha at Whitland Industrial Estate (T2/6/E2) for B1 and B8 uses whereas 1.7ha of land forming part of the former Whitland Creamery site (T2/6/E3) is allocated for B1 and B8 uses. These allocations are in addition to sites which are currently in use as employment areas.

Policy EMP1 Employment – Safeguarding of Employment Sites seeks to ensure that employment land allocations are protected from development to ensure that the overall strategy and policies of the LDP are delivered and to sustain existing employment areas to safeguard the economy of the County. The policy does enable the loss of such land in exceptional circumstances whereby it can be demonstrated that the following requirements are met:

- a) The site or premises is no longer required or suitable for employment use;
- b) The proposed use could not reasonably be located elsewhere in accordance with the policies of this Plan;
- c) There is sufficient quantity, quality and variety of employment land or premises that can be brought forward to meet the employment needs of the County and the local area;

- d) There is no economically viable industrial or business employment uses for the site and premises;
- e) An employment use would be incompatible with adjoining/surrounding uses;
- f) Where applicable the proposed uses are complimentary to the primary employment use of the surrounding area and will not cause an unacceptable impact on the operations of existing businesses.

Policy SP5 Housing refers to the requirement for housing development within the County over the plan period and specifies that 13,352 units are allocated on land included within the LDP with the remaining requirement being delivered on site of less than 5 dwellings.

Policy H1 Housing Allocation allocates land for residential development for the plan period to 2021. In particular the LDP includes allocations for 205 dwellings within the plan period in Whitland, this includes completed units, committed sites and new allocations.

Policy H2 Housing within Development Limits further confirms that housing developments within existing settlements will be permitted provided that they are in accordance with the principles of the Plan's strategy, its policies and proposals.

Policy SP17 Infrastructure, as supplemented by **Policy GP4 Infrastructure and New Development** states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP3 Planning Obligations stipulates that the Council will, where necessary seek contributions towards improvements to infrastructure, community facilities and other services to meet requirements arising from new developments, including future and ongoing maintenance of such provision as necessary in compliance with the legislative requirements. Allied to this, **Policy AH1 Affordable Housing** states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. The application site falls within the St Clears and Rural Hinterland sub-market area whereby a 30% proportion of affordable housing is sought for development proposals.

Policy SP2 Climate Change requires development to respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change, including avoiding or where appropriate minimised the risk of flooding including incorporation of flood resilient designs and sustainable drainage systems. In particular the policy states that proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN 15.

Policy SP9 Transportation promotes the provision of an efficient, effective, safe and sustainable integrated transport system while Policy SP13 requires 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 TR3 Highways in Developments – Design Considerations** 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 EP3 Sustainable Drainage 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 GP1 Sustainability and High Quality Design 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.

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

Policy EQ4 Biodiversity 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. Furthermore, **Policy EQ5 Corridors, Networks and Features of Distinctiveness** seeks to ensure that existing ecological networks, including wildlife corridor networks are retained and appropriately managed.

Policy EP2 Pollution 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 REC2 Open Space Provision and New Developments requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards unless there is sufficient existing provision available. In such cases an off-site financial contribution will be sought.

National Planning Policy

Planning Policy Wales (PPW) (Edition 8, January 2016) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. PPW stipulates that the planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs and striking an appropriate balance of reconciling the needs of development and conservation, securing economy, efficient and amenity in the use of land and protecting natural resources and the historic environment.

In particular, PPW highlights the need for LPAs to ensure that output and employment is not constrained by a shortage of land for economic uses and thus must facilitate the provision of sufficient land required by the market, except where there are good reasons for the contrary. The provision of land should have regard to the need to co-ordinate development with infrastructure, supporting national, regional and local economic policies and strategies, aligning jobs and services with house, promoting the use of previously developed, vacant and underused land and deliver physical regeneration and employment opportunities to disadvantaged communities with the overall aim of steering economic

development to the more appropriate locations, rather than prevent or discourage such development.

Paragraph 7.2.2 of PPW states *“Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations”*.

Of particular relevance to this application is the consideration set out in paragraph 7.6.3 which indicates that whilst employment and residential uses can be compatible careful regard over the proximity to residential developments and employment uses must be fully considered to ensure that both amenity and economic development opportunities are not unduly compromised.

Chapter 9 of PPW specifically refers to housing developments and highlights the need for new residential developments to be located within sustainable locations creating appropriate residential environments be concentrated within existing settlements, with a preference towards the use of previously developed land prior to the use of greenfield sites, and the provision of a mix of market and affordable housing units.

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

- Technical Advice Note 2 (TAN) 2 : Affordable Housing
- Technical Advice Note 5 (TAN 5) : Nature Conservation and Planning (2009)
- Technical Advice Note 12 (TAN) 12: Design (2014)
- Technical Advice Note 15 (TAN) 15: Development and Flood Risk (2004)
- Technical Advice Note 23 (TAN) 23: Economic Development (2014)

Technical Advice Note 23 specifies that economic land uses also include construction, including house building but housing, once built is not an economic land use because it does not directly generate wealth jobs and income. It is the final use of land which is the important issue. Furthermore, once lost due to land values for employment land they are difficult to replace.

In addition, the document acknowledges that employment land targets should aim to ensure that planning meets the demand for land so that economic growth is not constrained by lack of land and that land provision targets may be higher to ensure that opportunities are not missed and to allow for flexibility, competition and choice. This is balanced against the need to ensure that a persistent oversupply of employment land does not result in employment sites remaining vacant for long periods of time and frustrate development for other land uses. Furthermore, the TAN recognises the need to safeguard existing employment areas to avoid conflict with other uses, especially housing so that they can be confident that they will not be a “bad neighbour” to anyone.

PLANNING CONSIDERATIONS

This application conflicts with the policies of the LDP in that it proposes a residential development on land that is partly allocated as a proposed and existing employment area as well as partially including land outside of the settlement boundary (the area of the proposed access into the site). It is therefore a matter of assessing whether there are

sufficient material considerations to outweigh this policy conflict to justify a departure from the Development Plan and grant planning permission.

The allocation of land for employment purposes has been thoroughly tested through the LDP process, with the overall aim of creating opportunities for economic/employment developments across the settlement hierarchy to support the objective of sustainable economic development across the County up to 2021. In total 111.13 ha of land is allocated for employment purposes across the County, with 3.04ha allocated across three sites within Whitland, including the former Creamery site.

These sites, along with existing employment sites, are protected from alternative development through Policy EMP1 to ensure that an adequate supply of employment land which provides for a range and choice of potential uses is maintained and that such areas are protected from competing uses which should be in better and potentially more appropriate locations. Employment sites are continually under pressure from other uses which derive higher returns, and as noted in Technical Advice Note 23, once employment sites are lost, they are very difficult to replace. Policy EMP1, in line with advice set out in TAN 23, recognises that such sites are under pressure from competing uses and thus include specific requirements that must be met to enable the development of, and thus loss of, such sites for other uses such as residential.

The first and third of these requirement refers to situations whereby the need for the allocation is no longer required or is no longer suitable for employment purposes or that there is sufficient land available for employment purposes. The applicant contends that the full extent of the proposed employment allocation is not capable of being developed due to flooding and land profile issues and that the remaining land area would require extensive re-profiling and investment in infrastructure that would prejudice the viability of developing the site rendering it unsuitable for employment purposes. Furthermore, the applicant contends that the existing employment area offers a more viable opportunity for new employment development and that the application site area would more appropriately be developed for residential uses. In addition, the applicant contends that there is an over allocation of land for employment purposes within the LDP and thus the proposed employment area allocation is no longer required.

The LDP employment land allocation was informed by the Employment Land Supply review that was consequently updated by the Employment Land Update Paper (June 2103) and further submissions for the LDP Examination Hearing Session on Employment (February 2014). In summary whilst the initial ELS identified a need for a basic level of employment land allocation equivalent to 34.1ha, this basic amount was increased to ensure the provision of choice and flexibility across the County and to strengthen the economic position and provide opportunities to broaden the sectorial base of Carmarthenshire's economy. Whilst recognising that the largest proportion of economic development would take place within the main Growth Areas of Carmarthen, Llanelli and Ammanford/Cross Hands the LDP recognises the evident opportunities located within other settlements within the hierarchy and has sought to proportionately allocate land within those settlements to support the distribution of growth across the County. The allocation of the application site was confirmed once the LDP was formerly adopted, just over 18 months ago, and therefore it is considered somewhat premature to suggest that this site is no longer required for employment purposes. Whilst it is accepted that the existing employment area does evidently afford opportunity to sustain existing employment land, the allocation of the proposed employment area seeks to attract further economic investment into the town in a centralised location.

Furthermore, whilst there are two other proposed employment area allocations within Whitland (T2/6/E1 West Street and T2/6/E2 Whitland Industrial Estate), these two sites have either already been partly developed or have planning permissions. Consequently, this has already reduced the availability of land for employment opportunities in Whitland for the remainder of the Plan period up to 2021 and therefore increases the importance of the former Whitland Creamery site to be retained for employment purposes, as the only remaining employment allocated site within the town. This also serves to demonstrate that there is an appetite from businesses to locate and expand within the town and it is understood that some existing businesses are seeking to expand their enterprises further.

The applicant's contention that due to site constraints parts of the allocation are incapable of being developed directly conflicts with the current proposals for a residential scheme which demonstrates that the land is clearly capable of development.

In essence therefore, it is not considered that sufficient information has been submitted to demonstrate that the land is no longer required for employment purposes, and that it is no longer suitable for employment purposes. But rather that this site represents the last remaining proposed employment allocation within the town with the other sites having already been, or in the process of being, developed.

The second criteria relates to whether the proposed residential use could not be reasonably located elsewhere in accordance with the LDP. There are residential allocations within Whitland amounting to 205 units overall, with the majority having either already been completed or with planning permission. The applicant contends that those sites with planning permission are not being brought forward and that this proposal would compensate for that level of non-delivery on previously developed land. Whilst it is recognised that delivery on some allocated sites have not been immediately brought forward since adoption of the LDP, of the 205 units only 23 units remain to be on sites that do not currently have the benefit of planning permission. The largest allocations in Whitland have extant Outline planning permission and therefore it is considered that there remains to be sufficient prospect of these sites being brought forward at present. There is evidently land specifically allocated for residential development within the town and thus the proposed development could reasonably be located on such sites and thus avoiding the loss of land allocated for employment purposes.

The applicant has sought to address the fourth criteria of the policy by providing information relating to the occupancy and marketing of existing business units within the area allocated for existing employment purposes. This information indicates that the existing units on site have over the last ten years had periods of occupancy and vacancies, which is relatively common for such uses. Nevertheless, the information submitted does indicate that whilst some units have been empty for some period of time, others have been occupied. This serves to demonstrate that interest, albeit fluctuating, remains in the existing employment area. In addition, it is understood that the supply of starter units in Whitland has effectively been reduced with one company occupying all four of the Whitland Industrial Estate units. Furthermore, limited information has been provided to demonstrate that there is no viable employment use for the part of the site that falls within the proposed employment area allocation to justify its release.

With regards to the remaining criteria, the applicant contends that the application site area is more suitable for residential development rather than employment purposes and that the proposal would not undermine existing business operations. The site has historically been

associated with the former employment use of the wider site and is directly adjacent to the existing established employment area to the west, and the remainder of the proposed employment area to the south of the site. This raises significant concerns regarding the compatibility of a residential scheme in such close proximity to the existing and proposed employment areas, especially its close proximity to the principal industrial access into the site that accommodates all HGV and associated industrial traffic into the site. It is therefore considered that a residential development of the site proposal could limit the opportunities for sustaining the existing employment area but also sterilising the remaining proposed employment land allocation to the south to the detriment of maintaining an adequate supply of employment land to support continued economic growth for the town.

In summary therefore, having regard to the requirements of policy EMP1, it is not considered that sufficient information has been provided to justify the loss of employment land on this occasion. The site represents part of the last remaining area of land specifically allocated for new employment development within the town and thus its loss would reduce the opportunities available for further economic development within the town during the plan period.

Notwithstanding the above, it is accepted that the existing site, in its vacant dilapidated state does detract from the character and appearance of the area and as such the proposal would serve to significantly improve the site's appearance. The proposed layout has been the subject of extensive discussions to arrive at a scheme that is considered acceptable in terms of its layout, scale, design and appearance. The proposal would also offer the provision of 8no, affordable units in accordance with Policy AH1 of the LDP. Furthermore, whilst the site is partially within the flood zone, it is considered that the proposed flood storage area and associated culvert under the proposed raised access would provide adequate mitigation subject to the imposition of a condition or legal agreement to secure the long term management of the culvert. In addition, it is considered that subject to the imposition of appropriate conditions and/or Section 106 agreement concerns regarding land contamination, biodiversity, landscaping, trees and highways could be adequately addressed. However, it is not considered that the benefits of the scheme outweigh the loss of land allocated for employment purposes.

CONCLUSION

After careful consideration of the scheme as submitted it is considered that insufficient information has been provided to justify the loss of land allocated for employment purposes at this time. The proposed development would directly result in the reduction of land available within Whitland for employment purposes and has the potential to sterilise the remaining employment land allocation to the south of the site as well as impacting upon the existing employment area directly to the west due to the introduction of a residential use in very close proximity. Adequate land for residential development within Whitland is already provided on allocated sites and thus the proposed use could reasonably be provided on land specifically identified for residential use rather than resulting in the loss of employment land that could ultimately constrain economic growth prospects for the town. Whilst the proposal offers clear benefits through the redevelopment of an unsightly vacant parcel of land, the provision of a mix of residential units including affordable units, it is not considered that these benefits outweigh the loss of employment land. The application has failed to address the previous reasons for refusal and therefore is recommended for refusal.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy EMP1 “Employment – Safeguarding of Employment Sites” of the Carmarthenshire Local Development Plan, which states:-

EMP1 Employment – Safeguarding of Employment Sites

Employment land allocations identified through policy SP7 and existing employment sites will be safeguarded for such uses (B1, B2, B8). Exceptionally, proposals which result in their loss will only be permitted where it can be demonstrated that:

- a. **The site or premises is no longer required or suitable for employment use;**
- b. **The proposed use could not reasonably be located elsewhere in accordance with the policies of this Plan;**
- c. **There is sufficient quantity, quality and variety of employment land or premises that can be brought forward to meet the employment needs of the County and the local area;**
- d. **There is no economically viable industrial or business employment uses for the site and premises;**
- e. **An employment use would be incompatible with adjoining/surrounding uses;**
- f. **Where applicable the proposed uses are complimentary to the primary employment use of the surrounding area and will not cause an unacceptable impact on the operations of existing businesses.**

In that:

- It is considered that the submission has failed to sufficiently demonstrate that the site is no longer required or suitable for employment use during the current Local Development Plan period (up to 2021), and that there is no economically viable industrial or business use available on the site now or during the plan period (up to 2021) to warrant a change of the allocated use. The proposed development would negatively impact on the employment provision of the settlement with the loss of allocated proposed employment land as identified in the LDP, and the development also has the potential to further reduce the likelihood of further parts of the employment allocation being development by virtue of the residential element's close proximity to the proposed employment uses. The loss of the site as employment land could lead to insufficient quantity, quality and variety of land to meet the needs of the local area. This could lead to a potential shortage of suitable employment land provision in the settlement and could lead to economic growth being constrained.

- The proposed residential use could reasonably be located elsewhere in accordance with the policies of the plan by virtue of a number of residential sites allocated within Whitland.

2 The proposal is contrary to Policy SP7 “Employment - Land Allocations” of the Carmarthenshire Local Development Plan, which states:-

SP7 Employment - Land Allocations

Sufficient land is allocated for the provision of 111.13 hectares of employment land for the plan period 2006 – 2021 in accordance with the Settlement Framework. Proposals for small scale employment undertakings (not on allocated sites) will be permitted where they are in accordance with Policy EMP2.

In that:

- It is considered that the submission has failed to sufficiently demonstrate that the site is no longer required or suitable for employment use during the current Local Development Plan period (up to 2021), and that there is no economically viable industrial or business use available on the site now or during the plan period (up to 2021) to warrant a change of the allocated use. The proposed development would negatively impact on the employment provision of the settlement with the loss of allocated proposed employment land as identified in the LDP, and the development also has the potential to further reduce the likelihood of further parts of the employment allocation being developed by virtue of the residential element's close proximity to the proposed employment uses. The loss of the site as employment land could lead to insufficient quantity, quality and variety of land to meet the needs of the local area. This could lead to a potential shortage of suitable employment land provision in the settlement and could lead to economic growth being constrained.
- The proposed residential use could reasonably be located elsewhere in accordance with the policies of the plan by virtue of a number of residential sites allocated within Whitland.

3 The proposal is contrary to Paragraph 7.1.13 of the Planning Policy Wales (Edition 8), which states:-

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Local planning authorities should aim to facilitate the provision of sufficient land required by the market, except where there are good reasons to the contrary. In addition, wherever possible local planning authorities should seek to guide and control economic development to facilitate regeneration and promote social and environmental sustainability. In so doing, they should aim to:

- **co-ordinate development with infrastructure provision; support national, regional, and local economic policies and strategies;**
- **align jobs and services with housing, wherever possible, so as to reduce the need for travel, especially by car;**
- **promote the re-use of previously developed, vacant and underused land; and**
- **deliver physical regeneration and employment opportunities to disadvantaged communities**

In that:

- The proposed development would lead to a reduction in the employment land allocation for Whitland and the application has failed to demonstrate that there are good reasons to allow an alternative use on the site. The development also has the potential to further reduce the likelihood of further parts of the employment allocation being developed by virtue of the residential element's close proximity to proposed future employment uses. The loss of the site as employment land and the potential impacts the development would have on the utilisation of the remaining employment allocation could lead to insufficient quantity, quality and variety of land to meet the needs of the local area. This could lead to a potential shortage of suitable employment land provision in the settlement and could lead to economic growth being constrained by lack of land.

4 The proposal is contrary to Paragraphs 4.5.1. and 4.5.2 of Technical Advice Note 23 Economic Development, which states:-

4.5.1 LDP employment land targets should aim to ensure that planning meets the demand for land, so that economic growth is not constrained by lack of land. However, demand does not have to be met in the local planning authority area in which it arises. Much of the demand for employment land is footloose across administrative boundaries. Authorities should work together to steer development to the locations which are the most sustainable and efficient (both when allocating sites for the LDP and when dealing with proposals for development). Therefore demand which cannot be met sustainably in the area where it arises should be met in neighbouring areas, and planning authorities should work together to accommodate demand which is not tied to particular areas.

4.5.2 Land provision targets may be higher than anticipated demand, to allow for the chance that the assessments are too low and to ensure that no opportunities are missed. They should also allow for flexibility, competition and choice. However, persistent oversupply of employment land may cause harm where the planned land supply exceeds demand, so that allocated employment sites remain vacant for long periods and frustrate development for other land uses.

In that:

- The proposed development would negatively impact on the employment provision of the settlement with the loss of allocated proposed employment land and the development also has the potential to further reduce the likelihood of further parts of the employment allocation being developed by virtue of the residential element's close proximity to proposed future employment uses. This could lead to a potential shortage of suitable employment land provision in the settlement and could lead to economic growth being constrained by lack of land.

5 The proposal is contrary to Paragraph 4.6.9 of Technical Advice Note 23 Economic Development, which states:-

4.6.9 Existing employment sites should only be released for other uses if one or more of the following apply:

- **they have poor prospects of being re-occupied for their previous use;**
- **the particular market that the site is part of is oversupplied;**
- **the existing employment use has unacceptable adverse impacts on amenity or the environment;**
- **the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;**
- **other priorities, such as housing need, override more narrowly focussed economic considerations; and/or**
- **land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.**

In that:

- The development would lead to a loss of employment land within Whitland and have potential to further reduce the likelihood of further parts of the employment allocation being developed by virtue of the residential element's close proximity to proposed future employment uses. This could lead to a potential shortage of suitable employment land provision in the settlement and could lead to economic growth being constrained by lack of land.
- It is not considered that the submission has sufficiently demonstrated: that the employment land allocation (allocation adopted December 2014) has poor prospects of being developed; that the market is over supplied; or that the existing employment use has unacceptable impacts on amenity or the environment. The submission has not sufficiently demonstrated that there is land of equal or better quality available elsewhere.