

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

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

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

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

**AR 15 TACHWEDD 2018  
ON 15 NOVEMBER 2018**

**I'W BENDERFYNU/  
FOR DECISION**

***Ardal De/  
Area South***



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 NOVEMBER 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
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<b>Application No</b>	<b>S/36098</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	DEVELOPMENT OF 2 DWELLINGS AT LAND AT BRONALLT ROAD, BRONALLT ROAD, HENDY, SWANSEA, SA4 0UD

<b>Applicant(s)</b>	MR NEIL MCDONNELL / MRS C WILLIAMS, C/O AGENT,
<b>Agent</b>	ASBRI PLANNING - MATTHEW GRAY, SUITE 4 THE J SHED, SA1 SWANSEA WATERFRONT, ST THOMAS, SWANSEA, SA1 8BJ
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Hendy
<b>Date of validation</b>	14/09/2017

## CONSULTATIONS

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

**Llanedi Community Council** – Has not commented on the application to date.

**Local Member** - County Councillor G Thomas is a member of the Planning Committee and has made no prior comment on the application.

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

**Neighbours/Public** – The application has been publicised with the posting of a site notice within the vicinity of the site while a subsequent amendment to the application has been re-publicised in the same manner. In response, three letters of objection have been received which raise the following issues of concerns:-

- The proposal will exacerbate existing traffic congestion problems at junctions 48 and 49 of the M4 during peak periods;
- Increased air pollution;
- Increased pressure on existing facilities such as health care facilities and local schools;
- Loss of green area and impacts upon habitats;

- Detrimental impact upon the quality of life of the occupiers of an adjacent property downslope of and to the rear of the site by way of loss of privacy and light and surface water flooding;
- Overdevelopment of the site and the development should be more sympathetic to neighbours.

## **RELEVANT PLANNING HISTORY**

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

D5/16775	Residential development Full planning permission	16 March 1995
D5/15196	Residential development - 37 detached dwellings Approval of Reserved Matters	18 March 1993
D5/11616	Construct 8 semi-detached & 4 detached houses Outline planning permission	26 June 1989

## **APPRAISAL**

**This planning permission is dependent upon the developer entering into a Section 106 Agreement with Carmarthenshire County Council.**

## **THE SITE**

The application site consists of a rectangular shaped parcel of land located off the western side of Bronallt Road adjacent to its junction with the estate road of the Coed y Bronallt estate in the village of Hendy. The site has a road frontage of some 29 metres onto Bronallt Road and projects to a maximum depth of 26 metres. Its northern boundary runs contiguous with the footway of the estate road leading to the Coed y Bronallt estate which is located to the west of the site and is characterised by large detached houses.

Part of the site consists of a grassed overgrown area while the north eastern corner contains a construction compound which has an unkempt appearance and was previously used during the construction of houses in the Coed y Bronallt Road. The site is also traversed by an informal access track that extends in a southerly direction towards the neighbouring land to the south.

The levels of the site fall gradually towards its western boundary which has no discernible feature on the ground. The properties of the Coed y Bronallt estate to the rear are set at a lower level than the site. Bronallt Road is characterised by a mix of large detached houses as well as former local authority semi-detached properties.

## **THE PROPOSAL**

The application seeks outline permission for the construction of two detached dwellings on the site together with associated works.

Matters relating to the layout of the two houses have been put forward with the application in the form of a site layout drawing which shows the two dwellings fronting onto Bronallt Road. Vehicle parking is to be provided to the front of both dwellings with private garden spaces to the rear. The application has been accompanied by cross sectional drawings taken through the site which show the proposed finished levels of the development being comparable with the prevailing ground levels of the site.

It is of note that the original application proposed the construction of five detached dwellings, two of which were to be sited on adjoining land to the south which also fronts onto Bronallt Road. The fifth dwelling was to be sited on the land to the rear of the site which fronts onto the Coed y Bronallt estate road. These three additional dwellings were subsequently omitted from the application as a result of concerns raised by officers regarding their impact upon the privacy and living standards of an existing neighbouring property, 'Y Winllan', which is located to the rear of the site and set at a lower level.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is located within the defined development limits of Hendy as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan and therefore appears as white land. 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.
- Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

### **THIRD PARTY REPRESENTATIONS**

Three letters of objection have been received from neighbouring residents who raise a number of concerns in respect of the proposal. It is noteworthy that these letters were received in respect of the original proposal of five dwellings and whilst the respondents have been re-consulted on the revised proposals, no further letters of representation have been received to date.

Turning firstly to the highway concerns raised by the respondents, the proposal is of a modest scale comprising of two detached properties and it is not considered that the additional vehicular movements generated by the development will be of such a level that they could not be safely accommodated by the existing road network serving the site. Similarly, officers are satisfied that a development of the scale proposed will not cause any unacceptable detriment to the operating capacity of the junction of the M4 with the A4138 in Hendy. The Head of Transport has raised no objection to the proposal from a highway safety or capacity perspective and the proposal is therefore considered to be in accord with the objectives of Policy TR3 of the LDP.

With regard the concerns that the proposal will result in the overdevelopment of the site, the generous proportions of the site will allow for the siting of two dwellings that would be consistent with the prevailing pattern of frontage development along Bronallt Road. Adequate provision can be made for a garden and off road parking area within the curtilage of the two dwellings while the layout incorporates a generous separating distance between both properties. Moreover, the current unkempt appearance of the site will mean that the development will significantly enhance its appearance in the surrounding area. For these reasons, the proposal would not result in the overdevelopment of the site or be harmful to the character and appearance of the surrounding area and is therefore considered to be in compliance with the objectives of policies GP1, GP2 and H2 of the LDP.



As to the impact upon the living standards of neighbouring residents, three of the original five dwellings proposed have been omitted from the application on the basis that their proximity and elevated position above the existing property of 'Y Winllan' would unacceptably harm the living standards of its occupiers by way of loss of privacy and overbearance. The separating distance to the two remaining dwellings now proposed combined with the careful design of the dwellings as part of any subsequent reserved matters submission will safeguard against any unacceptable amenity impacts upon this property. The proposal is therefore in accord with the requirements of policies GP1 of the LDP in terms of its impact upon neighbouring properties and their occupiers.

In terms of the drainage concerns raised, surface water from the development is to be disposed of via soakaways and a condition securing the submission of an appropriate scheme of disposal will be imposed on any permission granted thereby ensuring compliance with Policy EP3 of the LDP. Furthermore, the modest scale of the proposal is such that it will not cause any unacceptable air pollution impacts or adversely affect existing services and facilities in the settlement and wider area.

Finally, in terms of the ecological impacts of the proposal, the Authority's Planning Ecologist has recommended the imposition of a suitable condition requiring the submission of a sensitive vegetation clearance strategy to safeguard against any unacceptable impact upon any reptiles within the grassed areas of the site. The permission granted will be conditioned in accordance with this advice to ensure compliance with the ecological objectives of policy EQ4 of the LDP.

## **CONCLUSION**

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the principle of the residential development of the site is considered to be acceptable and will be in keeping with and complement the general character and appearance of the surrounding area. The site is located within the development limits of Hendy and its development complies with the key policy and sustainability objectives of both the Authority's LDP and National Planning Policy.

The new dwellings will be well related to the existing services and facilities in the settlement as well as being within easy access of existing public transport facilities. The proposal will also make a positive contribution towards the provision of affordable housing in the locality whereby the applicant will be required to make a commuted payment towards the same under the requirements of Policy AH1 of the LDP.

Furthermore, there are no amenity, highway or public service objections to the development.

Based on the foregoing, the application is put forward with a favourable recommendation subject to the applicant entering into a unilateral undertaking or Section 106 Agreement securing a commuted payment towards affordable housing.

## **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 and 1:500 scale plan (GA/01) received on 26<sup>th</sup> October 2018.
- 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, together with the means of access thereto, have been submitted, and received the written approval of the Local Planning Authority.
- 5 Cross sections taken through the site detailing the finished floor and ridge levels of the proposed dwellings in relation to the existing ground levels of the site and those of adjacent properties shall be submitted as part of any reserved matters 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 Prior to the commencement of the development hereby approved details of the positions, height, design, materials and type of boundary treatment to be erected as part of the development shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved before the occupation of the dwelling.
- 8 The layout of the development hereby approved shall be strictly in accordance with the details shown on the proposed site plan (GA/02E) received on 5<sup>th</sup> October 2018.
- 9 The new vehicular accesses serving the dwellings hereby approved shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Service) Typical Layout No. 4 specification prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 10 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Bronallt Road frontage within 2.0 metres of the near edge of the carriageway.

- 11 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking within the curtilage of each plot. These are to be provided on each plot prior to its occupation, and thereafter shall be retained, unobstructed in perpetuity. In particular, no part of the access, parking, or turning facilities is to be obstructed by non-motorised vehicles.
- 12 Prior to the commencement of the development hereby approved a sensitive vegetation clearance strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

## **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+8 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 interest of visual amenities and safeguard the amenity of adjacent occupiers.
- 9-11 In the interests of highway safety.
- 12 To safeguard against any unacceptable impacts to any reptiles within the site.

## **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 SP1 of the LDP in that the proposed development is environmentally sustainable.
- The proposal complies with Policy GP2 of the LDP in that it is located within the development limits of Hendy.
- The proposal complies with Policy GP1 of the LDP in that it is compatible with neighbouring land uses, appropriate in terms of scale and layout and will not cause unacceptable loss of amenity to neighbouring properties.

- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.
- The proposal complies with Policy GP4 and EP2 in that it will be served by adequate infrastructure and not pose an unacceptable risk to the natural environment.
- The proposal complies with Policy H2 and AH1 of the LDP in that the site is located within the development limits of Hendy and the applicant will provide a contribution towards affordable housing as part of the development.

## **NOTE(S)**

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

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

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

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

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
- 3 The developer/applicant's attention is drawn to the terms of the Unilateral Undertaking under Section 106 of the Town and Country Planning Act which sets out the agreement to make a contribution of £41.98 per square metre of internal floor space of the proposed dwelling towards the provision of affordable housing.

<b>Application No</b>	<b>S/36934</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF 48 NO. RESIDENTIAL UNITS WITH ASSOCIATED ACCESS AND LANDSCAPING WORKS AT LAND EAST OF HEOL Y PLAS, LLANNON, LLANELLI, SA14 6AX

<b>Applicant(s)</b>	PENNANT HOMES, C/O AGENT,
<b>Agent</b>	ASBRI PLANNING LTD - MR RICHARD BOWEN, SUITE D, 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Llannon
<b>Date of validation</b>	14/03/2018

## CONSULTATION

**Head of Transport** – Had initial queries, however further information has been received and final comments are awaited.

**Head of Public Protection** – Has no objection subject to the imposition of appropriate conditions.

**Llannon Community Council** – Fully supports the application and heads of terms for the legal agreement.

**Local Member** - County Councillor E Dole has not commented to date. County Councillor D Jones is a Member of Planning Committee and has not commented to date.

**Dwr Cymru/Welsh Water** – Had initial objection, however after further investigation has no objection to the proposed development.

**Neighbours/Public** – The site has been advertised by way of 6No. site notices and press notice on submission and receipt of amended plans, with a total of 18No. replies having been received as a result raising the following issues:-

- Highway safety;
  - Traffic generation;
  - Number and nature of traffic generation;
  - Congestion off site (Heol Nant and Toll Junction);
  - Traffic speed - calming is ineffective;

- Maes Becca (adjacent) is inaccessible in the ice;
  - The footpath link to the school is only “possible” so the proposal doesn’t comply with the Active Travel Act. Needs to be 3m shared path;
  - Pavement along road frontage needs to be min 2.5m width;
  - Link suggested between Heol y Plas and Heol Nant;
  - Layby opposite the school is suggested;
  - Open space should be parking for school.
- Local facilities;
    - The local park needs improvement;
    - The school is oversubscribed;
    - Lack of community hall, shop etc.
  - Insufficient Section 106 contributions;
  - Ecology – Barn owls, bats, field mice seen locally;
  - Surface water drainage;
  - Land drains not included;
  - Design;
    - Overdevelopment – semi rural character of area - LDP figure is 38 dwellings;
    - Ribbon development;
    - Conflicts with TAN 12 design objectives (p11 4.17);
    - Proposal is not rounding off as it’s an extension to village;
    - Lack of landscape details;
    - Materials – use of stone welcomed but walls should be dark brick not render;
    - Ground levels – up to 4m infill.
  - Amenity
    - Loss of privacy;
    - There should be a 5m buffer all along the boundary with Maes Becca.
  - Heating – the village would benefit if the developer provided mains gas.
  - The proposal does not comply with the Wellbeing of Future Generations Act 2015 as it is not sustainable development.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

**This planning permission is dependent upon the developer entering into a Section 106 Agreement with Carmarthenshire County Council.**

## **THE SITE**

The application site is a 2.06Ha parcel of improved agricultural grazing land within the settlement limits of Llannon. The site is greenfield and there is no relevant planning history.

The site extends from the A476 Heol y Plas to the west to the C2201 Heol Nant to the East. The site has a residential estate known as Clos Rebecca to the south and open countryside to the North. The site has defined hedgerow boundaries to the East and West with residential garden boundaries to the south.

The site is allocated for housing in the adopted Local Development Plan with an indicative capacity of 38 houses. The LDP allocation is subject to detailed design so the indicative number is not fixed.

The site is within the boundaries of the Caeau Mynydd Mawr SPG so a contribution to the Marsh Fritillary Butterfly of £1043 per dwelling would be applicable on any permission granted.

The applicant has carried out a Pre Application Consultation as required by Part 1A of 'The Town and Country Planning (Development Management Procedures) (Wales) (Amended) Order 2016' (DMPO 2016).

## **THE PROPOSAL**

The application seeks full planning permission for 48No. detached, semi-detached and link houses and detached bungalows along with access, associated gardens, attenuated drainage scheme, open space and off street parking.

In terms of the overall layout, an access is proposed off the A476. The A476 is at a higher level than the field, so to achieve an acceptable gradient, the level is built up in the western section, then the road drops and curves through the site with smaller culs de sac to either side, culminating at a hammerhead junction serving private drives for the eastern bungalows, which overlook the open space.

The proposed accommodation schedule shows a mix of houses and bungalows as follows:-

- 7No. House type 994 – 3 Bed detached house;
- 11No. House type 1290 – 4 Bed detached house;
- 12No. House type 957 – 3 Bed semi-detached house;
- 3No. House type 421 – 2 Bed linked house;
- 6No. Bungalow type 781 – 2 Bed bungalow;
- 8No. Bungalow type 1003 – 3 Bed bungalow.

The external appearance of the units is a traditional form of design with reconstituted stone and render under a slate roof. The boundaries are a mix of 1.8m high timber fences with 1.8m high screen stone wall in key locations. There are also retaining walls shown at key locations.

The proposal includes a comprehensive surface water scheme including an attenuated discharge to a nearby stream via an existing culvert.

## **PLANNING POLICY**

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

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles.

Policy SP2 Climate Change states that development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported. This includes minimisation of waste, displays efficient use of resources, minimises the need to travel, minimises flood risk and is energy efficient.

Policy GP1 Sustainability and High Quality Design provides a list of criteria which demonstrates principles of good design to ensure that development is appropriate to the character of the area and would not have a significant impact on third parties.

Policy AH1 Affordable Housing requires developments of more than 5 houses to provide on-site affordable housing.

Policy TR2 and TR3 Highways in Developments - Design Considerations, sets out the requirements for development to be situated in a suitable location and incorporate appropriate parking, access and sustainable transport features.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 and TAN12 provides design guidance.

### **THIRD PARTY REPRESENTATIONS**

Highway safety has been carefully considered by the head of transport. The site is allocated for housing so the principle of has been established. It is not considered that the increase in numbers over the notional LDP figure would have an unacceptable increase in traffic. A residential development is not likely to change the nature of traffic using the A476. There would be deliveries of materials using larger vehicles during construction, however this is temporary. In terms of off-site junction improvements, the site is accessed off an A road which is of a high standard, and the proposal is not over the threshold to require a transport impact assessment so it is considered that the traffic generated is not likely to cause unacceptable impacts.

The head of transport has no objection subject to further speed control by way of a Driver Feedback Sign. The applicant has agreed a contribution of £10,000 towards this provision of the DFS. It is contended that the existing traffic calming is ineffective, however this is a traffic management issue. It is noted that there have been recent changes locally in the form of traffic calming so it will take time to establish new driving habits, however the new speed limit is proposed to be reinforced by the above improvement.

Maes Becca (adjacent) is said to be inaccessible in the ice, however this is a management issue in terms of gritting. It should be noted that the proposed access road is to highway standards in terms of gradient.

The footpath link to the school is proposed and not “possible” as suggested. The amended layout has clarified this, so the proposal complied with the Active Travel Act.

The site has a pavement along road frontage so improvements are not necessary. It is acknowledged that there is an aspiration from the cycling lobby for a 2.5m width shared pavement throughout the county to accommodate cyclists, however widening across the frontage in isolation would serve no purpose.



It has been suggested that the site be used to provide a highway link to the school from the A476, a layby for the school and a car parking area for the school. These suggestions are beyond the scope of the application and it would be unreasonable to seek the suggested works. A layby/parking area would also result in a large retaining structure at the bottom of the site, removal of the hedge and removal of the attenuation system. It is noted that the developer is proposing a shared foot/cycle path from the site to the school which would mean that the development would not result in the need for additional school traffic.

The proposal has taken into account local facilities. A contribution is proposed to both the local park which is subject to an asset transfer, and the local school which is subject to improvements. Llannon is considered to be a sustainable settlement which has a Chapel, Church, School and Public Houses, so the site has been allocated for additional houses. There has been a shop in the past but this has closed. Additional houses may make this viable again, but this is not a material planning consideration.

Section 106 contributions have been agreed on the basis of a viability report. The viability is compromised by the necessary engineering to achieve a suitable highway gradient. The heads of terms have been discussed with the local community outside the planning process and there appears to be a consensus that a balanced contribution would be supported locally whereby there are contributions to highways, education, open space and the Caeau Mynydd Mawr SPG as well as three affordable dwellings. The viability report is commercially sensitive, however it shows a developer return at a significantly lower level than would be normally acceptable, so further contributions would make the development commercially unviable.

Ecology has been addressed as a habitat survey has been carried out. It should be noted that the hedges are proposed to be retained so any potential dormouse habitation is addressed. The site is in the Caeau Mynydd Mawr SPG area and a contribution has been written into the agreed heads of terms.

Surface Water Drainage has been addressed with a drainage strategy submitted. It is noted that there is a land drain from Clos Rebecca which crosses the site which is proposed to be diverted. The existing land drain water crosses the road in culvert and drains into an existing water course. The proposal is for surface water from the new development to be collected in a cellular crate system under the open space shown on the eastern part of the site. This is an attenuation system so surface water from the site is proposed to be controlled and enter the culvert to the existing water course.

The LDP allocation figure is 38 dwellings, however this is a notional figure and the merits of each site needs to be carefully considered. The proposed layout shows a spacious design which works with the topography. The design is not considered to be over development and would be fitting for a semi-rural area such as this.

The design is a small estate off a spine road so is not considered to be ribbon development along the A476. The allocation is designed as an extension to the village along the A476. It is agreed that it is not rounding off as such, however it is considered to be an acceptable form of development.

The proposal has been assessed in accordance with local and national policies including TAN 12 Design.

The submission does not include a detailed landscape scheme, however the landscape concept is shown on the site plan. It is recommended that a comprehensive landscape scheme be conditioned as set out below.

The proposed materials are considered to be appropriate to the semi-rural location. Use of stone and render would be in keeping with the older part of the village. It is considered that the two latest developments with brick and mock Tudor design would not be seen as local vernacular to replicate.

Ground levels are a constraint on the development as the site slopes away from the A476 and there is a level difference between the site and the highway. This necessitates raising levels to ensure that the access road is of an acceptable gradient. The land does need to be raised, and a break of slope is designed in. As a response, the units affected are single storey and off set from the boundary, so that the levels would not have an unacceptable adverse impact on the residential properties to the South.

Amenity and privacy has been addressed through the amended plans. It should be noted that the units to the North of Clos Rebecca have been amended to single storey. There are ground level changes proposed, however the units that have been built up are a good distance from the boundary and single storey, so the applicant has addressed the issue and minimised the potential impacts.

A 5m buffer is shown between the site and the original land owner as that was a condition of sale. It would not be reasonable to impose a buffer all along the boundary with Clos Rebecca.

The means of heating is not a material planning consideration. The village would benefit if the developer provided mains gas however it would not be reasonable to ask the developer to provide such a service.

All recommendations are made in light of the Wellbeing of Future Generations Act 2015.

## **CONCLUSION**

After careful consideration of the site and surrounding environs, in the context of the proposal, it is considered that the site is a housing allocation in the LDP within the settlement development limits of Llannon so the principle of development is acceptable subject to other policy considerations.

The topography of the site being lower than the main A476 is a constraint and necessitates an engineering solution to ensure compliance with highway requirements and an acceptable impact on third parties to the south. The engineering also compromises viability, so a balance has been struck with contributions spread between affordable housing, the school, play area, highways and the Marsh Fritillary Butterfly as follows:-

- Affordable Housing - 3 units on site provision;
- Education - £50,000;
- Open Space - £50,000;
- Highways - £10,000;
- Caeau Mynydd Mawr - £50,064.

The design and appearance of the houses are of a traditional character, with bungalows having a contemporary twist with the front fenestration. The layout is spacious to reflect the ground level changes and this would provide an environment that is fitting for the semi-rural location. Surface water is sustainably disposed with an attenuated discharge to a local watercourse.

Whilst there are local concerns over the development, amended plans have been submitted which seek to address the issues raised and provide community benefits. In particular, the new layout has bungalows along the southern boundary to minimise the impact on the existing houses to the south. The head of transport had initial concerns over the details of the scheme, however these have been addressed, including a sustainable footpath/cycle link to the school which provides active travel.

Overall, on balance, the scheme is considered to be of a high quality design and would provide a sustainable form of development within the village with community benefit. The recommendation is that the scheme complies with the above policies, subject to the signing of a Section 106 legal agreement.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - 1:1250 scale Site Location Plan. Drawing No 2184-100A dated 6<sup>th</sup> March 2018;
  - 1:200 scale Proposed Site Cross Section 1 of 2. Drawing No. 2184-SK522-1-A dated 6<sup>th</sup> March 2018;
  - 1:200 scale Proposed Site Cross Section 2 of 2. Drawing No. 2184-SK522-2-A dated 6<sup>th</sup> March 2018;
  - 1:500 scale Engineering Strategy Plan. Drawing No. SK520 dated 24<sup>th</sup> September 2018;
  - 1:200 scale Proposed Site Sections – Plot 47. Drawing No. 2184-630 dated 24<sup>th</sup> September 2018;
  - 1:100 scale House Type 781 Plan and Elevations. Drawing No. 2184-200/01 dated 24<sup>th</sup> September 2018;
  - 1:100 scale House Type 1003 Plan and Elevations. Drawing No. 2184-201/01 dated 24<sup>th</sup> September 2018;
  - 1:100 scale House Type 957 Floor Plans. Drawing No. 2184-202/01 dated 24<sup>th</sup> September 2018;
  - 1:100 scale House Type 957 Elevations. Drawing No. 2184-202/02 dated 24<sup>th</sup> September 2018;
  - 1:100 scale House Type 994A Plans and Elevations. Drawing No. 2184-203/01 dated 24<sup>th</sup> September 2018;
  - 1:100 scale House Type 994B Plans and Elevations. Drawing No. 2184-203/02 dated 24<sup>th</sup> September 2018;
  - 1:100 scale House Type 1290A Plans and Elevations. Drawing No. 2184-204/01 dated 24<sup>th</sup> September 2018;

- 1:100 scale House Type 1290B Plans and Elevations. Drawing No. 2184-204/02 dated 24<sup>th</sup> September 2018;
  - 1:100 scale House Type 1290C Plans and Elevations. Drawing No. 2184-204/03 dated 24<sup>th</sup> September 2018;
  - 1:100 scale 2 Bed Social House Type Floor Plans. Drawing No. 2184-205/01 dated 24<sup>th</sup> September 2018;
  - 1:100 scale 2 Bed Social House Type Elevations. Drawing No. 2184-205/02A dated 24<sup>th</sup> September 2018;
  - 1:500 scale Site Layout. Drawing No. 2184-101E dated 18<sup>th</sup> October 2018.
- 3 No development shall take place until full details of retaining walls have been submitted to and approved in writing by the Local Planning Authority.
  - 4 No development shall take place until details and or samples of external wall and roof materials along with boundary treatment has been submitted to and approved in writing by the Local Planning Authority.
  - 5 Prior to the commencement of the development, a scheme for the control of noise shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.
  - 6 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 construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.
  - 7 The proposal to be carried out following the recommendations outlined in Section 9 of the Preliminary Ecological Assessment.
  - 8 The development must proceed in strict accordance with the following:-
    - Arboricultural Report dated 28th August 2017 by ArbTS;
    - Proposed Site Layout Plan – Rev E;
    - Sections 9.1 – 9.3 of the Preliminary Ecological Appraisal by Hawkswood Ecology dated May 2016.
  - 9 Prior to the commencement of the development a comprehensive Ecological Design Scheme (EDS), must be submitted to and approved in writing by the Local Planning Authority. The EDS scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the landscape and ecological information submitted with the following approved application documents Sections 9.4 – 9.7 of the Preliminary Ecological Appraisal by Hawkswood Ecology dated May 2016.
  - 10 No development hereby approved shall be commenced prior to the submission and written approval of a detailed landscape scheme for the site including implementation timetable. The development shall be carried out strictly in accordance with the approved scheme.

- 11 The developer shall ensure that a professionally qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be carried out. The archaeological watching brief will be undertaken to the standards laid down by the Chartered Institute for Archaeologists. The Planning Authority will be informed, in writing at least two weeks prior to the commencement of the development, of the name of the said archaeologist.
- 12 No development hereby approved shall commence until full details of the surface water attenuation scheme including a method statement for the retention of the hedgerow has been submitted to 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.
- 2-4 In the interests of visual amenity.
- 5-6 In the interests of public protection.
- 7-9 To protect ecological interests of the site.
- 10 In the interests of visual amenity.
- 11 In the interests of the historic environment.
- 12 To ensure the sustainable drainage of the site and retention of a feature of landscape and biodiversity value.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposed development complies with Policy SP1, GP1 and GP2 of the LDP in that it is sensitive infilling within settlement limits, which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policy H1 and H2 of the LDP in that it is an allocated residential site within settlement development limits.
- The proposed development complies with Policies TR2 & TR3 in that the proposal is not likely to be detrimental to highway safety.
- The proposed development has been assessed in light of Policy AH1, GP3 and EQ7. Due to viability constraints, it is considered that the site will not sustain full contributions, however a balanced S106 has been put forward with contributions towards Highways,

Education, Open Space, full contribution towards the management of the Greengrove project part of Caeau Mynydd Mawr and 3 Affordable Units.

## NOTES

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

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

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

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

- 2 The applicant/developer's attention is drawn to the signed Section 106 Agreement which provides three Affordable Dwellings, £50,064 for Caeau Mynydd Mawr, £50,000 for Education, £50,000 for Open Space and £10,000 for Highways, which is considered necessary to serve the development.
- 3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>S/37753</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE OF COMMERCIAL LETS INTO 2 X 1 BED AND 2 X 2 BED APARTMENTS AT AVENUE VILLAS, LLOYD STREET, LLANELLI, CARMS, SA15 2PU

<b>Applicant(s)</b>	MALLARD WALES LTD - MR ALUN THOMAS, 2-4 STATION ROAD, LLANELLI, SA15 1AB
<b>Agent</b>	W GRIFFITHS - MR CHRISTOPHER GRIFFITHS, FALCON CHAMBERS, THOMAS STREET, LLANELLI, SA15 3JB
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Elli
<b>Date of validation</b>	04/09/2018

## CONSULTATIONS

**Head of Transport** – No objection subject to the imposition of a condition.

**Public Protection** – No objection subject to the imposition of conditions in relation to noise.

**Llanelli Town Council** – No response received to date.

**Local Members** – County Councillor J P Jenkins has not responded to date.

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

**Neighbours/Public** – The application was advertised by virtue of site notices. To date two letters of representation have been received from the owners of nearby night time entertainment venues raising the following concerns and objections:-

- The conversion of offices into four residential apartments is not appropriate at this location, which is amidst Llanelli's primary night time economy venues.
- The proposal is contrary to Planning Policy Wales Technical Advice Note 11 (Noise) in that the proposal represents noise sensitive development which is incompatible with existing activities.

- There is a UK wide campaign to support the night time economy and in particular live music venues.
- It is the responsibility of the developer to ensure solutions to address and mitigate noise are put forward as part of proposals and are capable of being implemented.
- Llanelli's night time economy has markedly declined over the past few decades. This has a direct economic and social impact affecting jobs, community well-being and tourism.
- A critical element of the proposal to re-open the Llanelli Entertainment Centre (LEC) as a multipurpose venue is regular live music. The kind of events that could be held here are noisy and invariably finish late at night with a 3am premises license.
- A public house immediately to the south rear corner of the LEC has been converted into apartments in recent years. This has resulted in acoustic containment which the venue never had before. The same could happen if the development is approved, which in turn will have serious implications on operational viability.
- The noise report fails to mention the LEC, which is directly across Lloyd Street. As such any measurements of noise and the corresponding recommended mitigation measures, are absolutely meaningless.
- The proposals if approved could result in future noise complaints from the residents of these flats.

## RELEVANT PLANNING HISTORY

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

S/18291	Single storey front/side extension Full planning permission	28 February 2008
S/15832	Shop sign and projecting sign Advertisement granted	08 May 2007
S/14006	Proposed 3 no. new staff car parking spaces within curtilage of existing site (change of use of building already approved under application no: S/12531) Full planning refused Appeal dismissed	25 September 2006 04 July 2007
S/12531	Change of use from chemist and solicitors to estate agents (front of building) and new shop front Full planning permission	19 April 2006
D5/16929	Change of use from dental surgery to solicitors' office Full planning permission	18 May 1995
D5/13836	Refurbishment and change of use from surgery (now discontinued) to solicitors' office Full planning permission	31 March 1994



## **APPRAISAL**

**This planning permission is dependent upon the developer entering into a Section 106 Agreement with Carmarthenshire County Council.**

## **THE SITE**

The application site consists of the rear part of the building at Nos. 2 and 4 Station Road and is known in the application submission as Avenue Villas, Lloyd Street. The front part of the building is occupied by Mallard Estate agents, whilst the rear two storey section of the building, which is subject of this planning application, was previously used as commercial let offices at both ground and first floors, but is now currently vacant.

Residential dwellings at Lloyd Street are located beyond the BT telephone exchange to the west of the site, the Grade II listed Llanelli Entertainment Centre which is currently being renovated is located to the south on the opposite side of Lloyd Street, whilst the Metropolitan Bar late night venue is located on the opposite side of Station Road to the east.

## **THE PROPOSAL**

The application seeks full planning permission to change the use from offices to 4no. flats set over both floors consisting of two, one bedroom apartments and two, two bed apartments. The application also proposes small detached buildings to the east that will provide bike and bin storage facilities.

The application has been accompanied by a Noise Assessment Report and Travel Plan. The applicant is also in the process of finalising a Unilateral Undertaking in relation to a financial contribution towards affordable housing.

## **PLANNING POLICY**

The area is covered by the Carmarthenshire Local Development Plan (LDP) that was formally adopted in December 2014. The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP, and is within the identified town centre boundary. The key relevant policies are as follows:-

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

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

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area.

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

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

Policy GP4 of the LDP states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

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

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites. On proposals for 1 to 4 dwellings a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas. Commuted sum charges will be based on floor space (cost per sq.m.), which equates to £53.35 per sq.m. in the Llanelli area.

Policy RT4 of the LDP states that proposals for the change of use and/or re-development for non-retail uses within a town centre zone within growth areas will be permitted where it achieves a diversity of uses appropriate to a town centre location and does not have an adverse impact on its function, visual character and quality.

Policy 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.

### **THIRD PARTY REPRESENTATIONS**

As aforementioned in this report, two letters of representation have been received which raise objections and concerns in relation to the proposed development. The issues raised are considered to be material planning considerations and will therefore be addressed as part of this appraisal.

The owner of the Grade II listed Llanelli Entertainment Centre, which has been vacant for some time but is currently in the process of being renovated into a multi-purpose entertainment venue has strongly objected to the application. The owner of the Metropolitan Bar, a late night venue, whilst not objecting to the principle of residential flats in this location, has raised similar concerns to the owner of the LEC.

The matters raised relate to concerns of having residential flats and such noise sensitive development in close proximity to late night entertainment venues, which in themselves can be inherently noisy. It is opined that this could result in future noise complaints from the residents of these flats, which in turn could curtail operations and affect the viability of such late night entertainment venues to the detriment of the night time economy in Llanelli.

In this respect, the Local Planning Authority (LPA) fully acknowledges the importance of the night time economy and seeks to ensure that this is not adversely affected by development proposals. The LPA is also mindful of the national and local objectives relating to town centres, where introducing residential use back into such areas is promoted where appropriate to create more vibrancy.

The planning application was accompanied by a Noise Assessment report produced by a suitably qualified Acoustic Engineer, whilst further email exchanges have taken place during the course of the planning application process between the LPA, the acoustic engineer and the authority's Environmental Health Officer who deals with noise matters.

The noise report has been conducted in accordance with BS8233 and considers that there are two options available to the developer to ensure that internal noise levels within the flats achieve relevant standards considering the developments location and proximity to night time entertainment venues. The first option is a secondary sash option, sat behind the existing fenestration, with the second option being a complete replacement of that fenestration and incorporation of acoustically attenuating ventilation elements. As set out in the report, these specifications (the secondary glazing and replacement facade elements) have been based on a detailed set of calculations, taking account of the measured spectral data that takes account of absolute worst case measured conditions. The acoustic engineer has advised that this approach to such development proposals has been readily accepted elsewhere, including in Carmarthen Town Centre.

The acoustic engineer has advised that the assessment considers all noise sources affecting the most exposed part of the site throughout a part midweek and entire weekend period, including periods of significant evening economy activity.

It was noted during the assessment, that while music noise breakout from the closest operating premises was audible at the site, the numerical contribution was low compared to the sound generated by external patron/public activity and road traffic, which is what has ultimately steered the specification.

On this basis and the low likelihood of the cinema/theatre activity giving rise to any significant noise breakout, if operational, the acoustic engineer consider the assessment to be entirely robust in meeting the stipulated requirements of Carmarthenshire Council, without introducing any constraint to the accepted/described use of the Entertainment Centre.

When the LPA questioned the agent and acoustic engineer on the future proposals for the Llanelli Entertainment Centre and the potential implication of the proposed development in this respect, the acoustic engineer opined:-

As the premises that have now been brought into consideration already exist in close proximity to residential premises, there will be a limit to the level of music noise breakout they will be able to generate. Besides which, the typical form of such buildings ensures that the external envelope of the building would minimise noise breakout.

In summary, it would be highly unlikely for live music events within the Entertainment Centre to give rise to noise breakout that would compromise the conclusions of our assessment, unless they massively abandoned their health and safety requirements re noise exposure of artists and audience members.

The Authority's Environmental Health Officer dealing with noise related matters has considered the original Noise Assessment Report and been included in subsequent email exchanges. In his formal response to the application he has raised no objection subject to the imposition of two conditions. The first condition requires the implementation of the suggested mitigation measures to ensure that internal noise levels within the flats achieve relevant standards. The second condition requires the applicant, if requested by the LPA, to provide evidence that the relevant internal noise levels specified within the flats have been achieved, and if not, propose further mitigation to ensure that they are.

In light of the conclusions of the noise assessment report, subsequent email exchanges and the consultation response received from the Authority's Environmental Health Officer, the LPA considers that the proposed development subject to the imposition of conditions requiring noise mitigation, can proceed without compromising the future position of nearby late night entertainment establishments.

## **CONCLUSION**

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP and therefore there is no in-principle objection to developing the site for residential use. The proposal only relates to the rear two storey element of the building, previously offices, with the front building being retained for commercial uses at both ground and first floors. As such, an active frontage is still retained on to Station Road with only the recessed element being converted into flats.

Whilst the proposal will result in the loss of existing commercial floor space, the LPA considers that the introduction of residential flats will achieve a diversity of uses appropriate to a town centre location and does not have an adverse impact on its function, visual character and quality. The building to be converted is recessed, and as already mentioned the frontage on to Station Road will remain active and in commercial use. Therefore the LPA has no in-principle objection to the proposed residential conversion, and considers that the proposal accords with Policy RT4 of the LDP.

The attached building which fronts on to Station Road has an established A2 office use, with the ground floor currently occupied by an Estate Agent and the first floor by a firm of Solicitors. Such office uses are considered compatible with the proposed residential scheme to the rear part of the same building. Given the application site's close proximity to existing licensed premises which are permitted to operate until early hours of the morning, a detailed noise report accompanied the application, the conclusions of which and response to it have already been addressed in this report.

The planning history relating to the property evidences that it has a long history of commercial uses which have not benefitted from having any designated off street parking provision. There is also only limited restricted on street car parking nearby. Notwithstanding this however, the property is located within a sustainable town centre location, accessible by a variety of transport modes not only the private car. The extant commercial use of the building is also a material planning consideration when considering the highway implications of such a proposal which does not benefit from having designated parking arrangements. The application has been accompanied by a Travel Plan whilst a bike storage facility is proposed as part of the development. Having considered the application the Authority's Head of Transport has raised no objection.

In terms of design it is considered that the proposed removal of the front lean to conservatory as part of the scheme will result in an improvement in visual terms, whilst the proposed bin and bicycle storage facilities are considered appropriate in terms of design and external finish.

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.

As aforementioned the applicant is in the process of finalising a Unilateral Undertaking that will secure a financial contribution of £10,883.40 towards affordable housing.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP. As such the application is put forward with a recommendation for approval subject to the successful completion and receipt of the aforementioned Unilateral Undertaking.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - Location plan 1:1250 @ A4 received 17<sup>th</sup> August, 2018;
  - Existing plans and elevations 1:100; 1:500 @ A1 (1637 1-1) received 17<sup>th</sup> August, 2018;
  - Proposed plans and elevations 1:100; 1:500 @ A1 (1637 1-2) received 17<sup>th</sup> August, 2018;
  - Bike storage detail 1:50 @ A3 received 29<sup>th</sup> August, 2018;
  - Bin storage detail 1:50 @ A3 received 29<sup>th</sup> August, 2018.
- 3 The proposed development shall be undertaken strictly in accordance with the mitigation measures outlined in the Noise Assessment report undertaken by Inacoustic dated the 27<sup>th</sup> February 2018 and received by the Local Planning Authority on the 17<sup>th</sup> August, 2018 to ensure that the internal noise levels of the proposed development meet the criteria of:-
  - 35 LAeq (16 hour)
  - 30 LAeq (8 hour)
  - 4 Amax (fast)

- 4 The applicant must be able to demonstrate that the proposed development complies with the noise limits detailed in Condition 3 and provide this evidence for written approval within 14 days of a written request from the Local Planning Authority. In the event that the noise limits specified in Condition 3 are not achieved the written submission should also specify further mitigation measures to ensure compliance with the noise limits specified in Condition 3. These measures will then need to be implemented within a timescale agreed with the Local Planning Authority.
- 5 The development hereby approved shall be operated in strict accordance with the Travel Plan produced by W. Griffiths Architects dated March 2018 and received by the Local Planning Authority on the 17<sup>th</sup> August, 2018.
- 6 Prior to the beneficial use of the residential flats hereby approved, the bike storage area as shown on the bike storage detail drawing received on the 29<sup>th</sup> August, 2018 should be completed and made available for use.
- 7 Prior to the beneficial use of the residential flats hereby approved, the bin storage area as shown on the bin storage detail drawing received on the 29<sup>th</sup> August, 2018 should be completed and made available for use.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2+7 In the interest of visual amenity
- 3+4 To ensure that satisfactory noise levels are achieved within the approved residential flats
- 5+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 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 the applicant has agreed to provide a commuted sum financial contribution towards affordable housing.
- 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 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 GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Llanelli and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy GP3 of the LDP in that the applicant has agreed to provide a commuted sum financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing development is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide a commuted sum financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy RT4 of the LDP in that the proposal achieves a diversity of uses appropriate to a town centre location and does not have an adverse impact on its function.
- 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.

## NOTES

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