

**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 12 RHAGFYR 2019  
ON 12 DECEMBER 2019**

***I'W BENDERFYNU/  
FOR DECISION***

***Ardal Del/  
Area South***



**Cyngor Sir Gâr  
Carmarthenshire**  
County Council



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod 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>12 DECEMBER 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA SOUTH**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NO's</b>
<b>S/38285</b>	<b>CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF UP TO 210 UNITS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS AT LAND AT, NORTH DOCK, SEASIDE, LLANELLI, SA15 2LY</b>	<b>31 - 55</b>
<b>S/39456</b>	<b>37 RESIDENTIAL DWELLINGS (AFFORDABLE) AT LAND TO THE NORTH OF TYCROES RFC, PENYGARN ROAD, TYCROES, AMMANFORD, SA18 3NY</b>	<b>56 - 71</b>
<b>S/39662</b>	<b>DETACHED GARAGE AT CLOS CAE DERW, LLANGENNECH, CARMARTHENSHIRE, SA14 8WF</b>	<b>72 - 77</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/38285</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF UP TO 210 UNITS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS AT LAND AT, NORTH DOCK, SEASIDE, LLANELLI, SA15 2LY

<b>Applicant(s)</b>	DIRECTOR OF REGENERATION AND POLICY-CCC- JASON JONES, COUNTY HALL, CARMARTHEN, CA31 1JP
<b>Agent</b>	ASBRI PLANNING - MR RICHARD BOWEN, SUITE D, 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Glan Y Mor
<b>Date of validation</b>	11/01/2019

## Reason for Committee

This application is being reported to the Planning Committee

- as the County Council has a significant financial interest in the application.

## Site

The application site consists of a relatively level, 6.6ha previously developed site located to the north western corner of North Dock in Llanelli. The site is located to the immediate north of the existing Pentre Doc Y Gogledd housing development and to the west of some existing industrial/commercial units located along the northern boundary of North Dock. The Millennium Coastal Park abuts the western boundary of the application site, whilst the main railway defines the northern boundary of the site.

The vacant parcel of land which forms the application site is covered mainly by overgrown vegetation, with some hardstanding in places. The north eastern part of the site previously accommodated the former Pontrillas Factory which was recently demolished under a demolition notification. The site is contiguous with the access road that runs around the whole perimeter of North Dock known as Traeth Ffordd. The site can currently be accessed via a few different access points along Traeth Ffordd.

The perimeter of the site is secured by post and wire fencing along the north, east and west, and wooden fencing securing the boundary adjoining the Millennium Quay residential development to the south.

As aforementioned, the Millennium Coastal Path is located to the west of the site, directly adjacent to the site's boundary. A footpath link currently runs through the centre of the site between the former factory and the southern part of the site. A small number of trees run adjacent to this footpath, along with an electricity sub station (proposed to be removed as part of the development) and a pumping station to the north (to be retained).

In terms of historic context, North Dock was a former industrial dock, built between 1897 and 1902, and was used mainly for exporting coal and tin plate from South Wales. It was an important feature in Llanelli's industrial past, forming part of the extensive network of docks, canals and tramways that existed up until their decline in the 1970s. Part of North Dock's history is still evident today in the number of listed buildings along the eastern side of the Dock, including:

- Engine House & Accumulator Tower - Grade II
- Carmarthenshire Dock tramroad bridge - Grade II
- Carmarthenshire Dock West Quay - Grade II
- Carmarthenshire Dock East Quay - Grade II
- Old Castle Motte - Scheduled Ancient Monument (Ref: CM323)

Today North Dock forms part of the South Llanelli Strategic Zone as referred to in the Adopted Local Development Plan and supporting Supplementary Planning Guidance with identified aspiration for mixed use development.

## **Proposal**

The application seeks outline planning permission for the residential development of up to 210 units with associated landscaping and infrastructure works with all matters reserved for future consideration.

In addition to the site location plan which defines the extent of the site, the application was also accompanied by the following indicative drawings:-

- Constraints and Opportunities Plan
- Concept Masterplan
- Parameter Plan

The Constraints and Opportunities Plan has identified existing access points, key frontages and vistas, and existing constraints such as infrastructure and services. In turn this plan has informed the indicative masterplan.

The indicative masterplan indicates that the proposed residential development will be accessed via a central vehicular access point off Traeth Ffordd. A hierarchy of streets are proposed within the development with use made of different surfacing materials depending upon the nature of the street. Permeability is a key consideration with a number of pedestrian accesses shown through the development linking North Dock/Traeth Ffordd with the MCP. Provision is made within the north eastern corner of the site for an area of public open space. The built form shown on the indicative masterplan is designed to

address key frontages with natural surveillance maximised, whilst landscaping is proposed to re-inforce the northern boundary with the railway line.

The parameter plan sets the scale parameters and shows a mixture of 2 and 2.5 storey detached, semi-detached and terraced dwellings and 3 storey flats. The maximum height indicated is 12 metres.

The outline application was originally accompanied by the following raft of supporting information:-

- Design and Access Statement
- Pre Application Consultation Report
- Air Quality Assessment Report
- Arboricultural Report
- Ecological Assessment
- Engineering Assessment
- Flood Consequences Assessment
- Historic Desk Based Assessment
- Mining Risk Assessment Report
- Noise and Vibration Assessment
- Phase 1 Desk Study Report
- Sandy Roundabout Capacity Analysis
- Transport Assessment
- UXO Desk Study
- Drainage Strategy and Water Quality Statement

The following reports were subsequently submitted during the course of the planning application process:-

- Japanese Knotweed Eradication Scheme Report
- Reptile and Bird Survey
- Brownfield Habitat Mitigation Strategy
- Habitat Regulations Screening Report

## Planning Site History

S/36027	Demolition of main warehouse building and office section, and sundry other smaller buildings Demolition notification granted	07/11/2017
S/28059	Variation of condition no 3 of S/18032 to extend the time period for the submission of reserved matters and the commencement of development Withdrawn	15/11/2013
S/25299	Temporary 3 year planning permission for change of use to use land for boat storage. No construction apart from boundary fencing. There will be temporary storage sheds in the form of shipping containers Full granted	13/10/2011

S/18032	The redevelopment of land to create a mixed use urban development comprising: A range of new homes including apartments and houses (use class c3); a hotel (use class c1); offices (use class b1); commercial uses including small scale retail/local shops and commercial leisure facilities including restaurant, bars, cafes and licensed premises (use classes a1, a2 and a3); a network of open spaces including two new public plazas and a public forum, a boardwalk, footpaths, and areas of informal recreation; new internal roads, accesses and public car park; other ancillary uses and activities; and requiring, site clearance, treatment and preparation, including demolition of existing buildings Outline granted 15/04/2008 s106 by planning condition	
S/02219	Change of use to centre for the creative arts Withdrawn	10/02/2005
LL/05085	Office and storage for land train Full granted	03/11/2003
LL/01107	Mixed use development comprising residential, commercial and leisure around the impounded dock Outline granted	06/06/2002
S/02744	Car boot sales Full granted	07/12/2000
S/00092	Millennium coastal park iii the development of a landscaped parkland, part visitor centre and accommodation, footpaths, cycleways, habitat creation, car parking and associated reclamation and infrastructure works including land bridge over railway County permission under regulation 3	25/11/1996
D5/16773	The construction of one barn to dry wood and the extension of two others for metal fabrication and storage Full granted	02/02/1995
D5/16733	Building of two wood drying barns plus the extension of an existing building to accommodate increased sawing facilities Full granted	12/01/1995
D5/13977	To extend one existing building and build a drying barn Full granted	31/03/1994
D5/13290	Installation of a wood burning stove and associated ducting	



	Granted	12/11/1990
D5/5069	Replace chimney with 60ft chimney Granted	17/07/1980

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces  
 SP2 Climate Change  
 SP3 Sustainable Distribution – Settlement Framework  
 SP4 Strategic Site  
 SP6 Affordable Housing  
 SP9 Transportation  
 SP13 Protection and Enhancement of the Built and Historic Environment  
 SP14 Protection and Enhancement of the Natural Environment  
 SP17 Infrastructure  
 SP18 The Welsh Language  
 GP1 Sustainability and High Quality Design  
 GP2 Development Limits  
 GP3 Planning Obligations  
 GP4 Infrastructure and New Development  
 H2 Housing within Development Limits  
 AH1 Affordable Housing  
 EMP5 Mixed Use Sites  
 TR2 Location of Development – Transport Considerations  
 TR3 Highways in Developments – Design Considerations  
 EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
 EQ4 Biodiversity  
 EP1 Water Quality and Resources  
 EP2 Pollution  
 EP3 Sustainable Drainage  
 EP5 Coastal Development  
 REC2 Open Space Provision and New Developments

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Llanelli Town Council** – Object on the following grounds:-

- Increased vehicular traffic and congestion in the Seaside and North Dock area as a result of this development and others including the Wellness Village. There is only one way in and out of the site. There are already issues at Sandy Road.
- The Transport Assessment does not provide accurate anticipated trip generation data.
- Air Quality issues will be exacerbated.

**Local Members** – The application site is primarily within the Glanymor ward however as the north western section encroaches slightly into the Hengoed ward, the members for both wards have been consulted.

Cllr L Roberts has raised concern over the increased traffic generated by the proposed development, which will utilise one access point directly opposite a park.

Cllr J Prosser has not responded to date.

Cllr J S Phillips has not responded to date.

Cllr P Edwards who is a Member of the Planning Committee has not responded to date.

**Dyfed Archaeological Trust** – No objection.

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

**National Grid** – No response received to date.

**Natural Resources Wales** – No objection subject to conditions.

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

**Coal Authority** – No objection.

**Head of Public Protection** – No objection subject to conditions.

**Head of Education** – No objection. Has confirmed that a financial contribution of £388,000 is required towards improving local education facilities.

**Head of Transport** - No objection subject to conditions and a financial contribution of £35,000 towards highway improvements at the Sandy Roundabout and Active Travel improvements between the Millennium Coastal Park, the site and Llanelli Railway Station.

**Head of Housing** – No objection subject to the provision of affordable housing within the scheme. Has confirmed that the ward of Glanymor is an area of high housing need.

**Land Drainage** – No objection.

**Parks (Open Space)** - No objection subject to conditions

All representations can be viewed in full on our [website](#).

## **Summary of Public Representations**

The application was advertised by the posting of six site notices in the vicinity of the application and site and via a press notice.. To date, one letter of representation has been received raising the following concerns:-

- There is an existing public footpath from the road to the MCP by the Aquatreat depot near the railway line. This footpath seems to be removed by the development and the right of way will also be removed.
- There is no provision for people wanting to access the MCP and no provision for visitors to park their cars.
- The existing public (pay & display) parking at North Dock visitor centre and at the Sandy Water Park is neither adequate or convenient. There is a loss of parking capacity which in turn discourages the public from accessing the MCP.
- At the very least the existing right of way needs to be retained and parking areas for visitors need to be incorporated into the planning requirements.

All representations can be viewed in full on our [website](#).

## Appraisal

As aforementioned, the application site is located in North Dock which forms part of the South Llanelli Strategic Zone as referred to in the Adopted LDP and Adopted SPG which provides a Development Brief to guide the consideration and determination of development proposals in the South Llanelli Strategic Zone. The relevant North Dock site reference is GA2/MU7 (LDP Policy EMP5 – Mixed Use Allocations). A notional / indicative allowance of 335 residential units is provided LDP Policy H1 (Housing Allocations), with this figure reflective of the previous outline planning permission granted for North Dock under S/18032.

The LPA has received letters of concern and objection from Llanelli Town Council, one local member and one member of the public in relation to the proposed development. These concerns will be addressed in the following appraisal under the relevant topic headings.

### Highways

The reasons for concern and objection raised by the Town Council, one of the local members and one member of the public primarily relate to highway related issues, namely vehicular traffic generation and congestion, lack of car parking provision for visitors to the MCP and loss of pedestrian permeability through the application site and towards the MCP.

The planning application itself was accompanied by a detailed Transport Assessment which has been scrutinised by the Authority's Head of Transport.

Traeth Ffordd is the road which provides access to the existing and proposed developments in the North Dock area. It is a single carriageway road with an approximate width of 6 metres, with 1.8m-2m footways provided on both sides of the road in most places. Traeth Ffordd has street lighting throughout and a speed limit of 30mph, with road humps in situ to minimise speed. The speed humps also act as raised crossing points and are visually different to the road in terms of colour and materials. The B4304 is located to the east of the site and runs from north to south, and provides access to the town centre to the north via Cambrian Street and Queen Victoria Road. The B4304 coastal road continues to the south towards Machynys, Morfa and Trostre.

In terms of trip generation and traffic impact the TA sets out the traffic forecasts for the development that have been derived using the TRICS database. In terms of vehicular trips

the TA states that the proposed development will result in an extra 97 two way trips in the AM peak and 99 two way trips in the PM peak.

The traffic impact of the development was assessed for both the AM and PM peak periods for a 2024 future year. The impacts upon the Queen Victoria Road, Traeth Ffordd and AMG Resources access road junctions and surrounding road network was considered to be negligible and that capacity exists to accommodate the traffic generated by the proposed development.

The Authority's Highways section also requested further analysis in terms of the impact of the development upon the Sandy Road roundabout which is currently congested at peak times. This was subsequently undertaken and submitted as a supplementary document. This indicated that the Sandy Roundabout junction is demonstrated to operate at, or near, capacity in the future year of 2023.

For the current situation the TA opines that the Sandy Roundabout junction would be negligibly impacted by the proposed development at North Dock. This is to be expected as there are only 43 trips added to the roundabout in the AM Peak and 34 trips added to the roundabout in the PM Peak. The A484 Sandy Road would have 30 trips added to the approach arm in the AM Peak. In the PM Peak, the B4304 Traeth Ffordd approach would have 22 trips added. However, it is considered that, as the junction is already exceeding capacity in the PM Peak, the relative impact of the North Dock development would be exacerbated.

As Members may recall from considering the Wellness Village application some months ago, the Authority's Highways division is continuing to explore major scheme solutions for Sandy Roundabout and have a number of conceptual schemes to develop further. CCC is also progressing with works to improve operations of the Iscoed traffic signals.

Following the proposed improvement works at Sandy Roundabout, which need to be completed by Highways to accommodate the traffic from phases 1 and 2 of the Wellness Village development, it has been demonstrated that the proposed development at North Dock would have a negligible impact on the junction's operation. In this respect the Authority's Head of Highways accepts the conclusions of the TA and supplementary document subject to an agreed contribution of £10,000 towards future improvements by Highways at the Sandy Road roundabout junction. Members will recall that the Wellness Village contributed £40,000 towards such improvements also.

In terms of sustainability and sustainable modes of travel, the TA opines that the site is located within an area that is conducive to active travel. The town centre is within walking distance to the north whilst there are a number of traffic free national cycle routes immediately adjacent or close to the site. In terms of active travel a financial contribution of £25,000 has been requested by Highways and agreed towards Active Travel improvements between the Millennium Coastal Park, the site and Llanelli Railway Station. A condition will also be imposed requiring a travel plan to encourage sustainable modes of travel.

In terms of pedestrian permeability, whilst there is an existing footway link through the site running in an east/west direction, this is not a formal Public Right of Way. Notwithstanding this however, the indicative masterplan identifies a number of potential pedestrian accesses through the site. This will be need to be ensured and secured as part of any subsequent reserved matters submission however the LPA considers that the proposed

development represents an opportunity to enhance pedestrian permeability and linkages between North Dock and the MCP in this respect. There are no formal parking areas within the application site which will be lost as a result of the proposed development.

Finally in terms of public transport the nearest bus stop is approximately 500m to the south east at Cambrian Street, whilst the main railway station is approximately 1km to the south east. Both are considered to be within walking distance.

## **Ecology**

The application was originally accompanied by an Ecological Assessment whilst further reports in the form of a Reptile and Bird Survey, Brownfield Habitat Mitigation Strategy, Habitat Regulations Screening Report and Japanese Knotweed Eradication Scheme were submitted during the course of the planning application process as a result of requests by the Authority's Planning Ecologist. The requirement to undertake such surveys was also as a result of recommendations made in the original Ecological Report.

The original Ecological Report submitted with the application concluded that it was unnecessary to carry out further ecological surveys prior to the demolition of the former factory building. As aforementioned this has now been demolished under the prior notification procedure subject to the implementation of certain Bat mitigation measures. The report did however recommend that further survey work was needed prior to general site clearance works, and these reports were subsequently submitted during the course of the planning application process.

In terms of the Bird survey the report states that several bird species nest or are likely to nest within the site and the development will result in the loss of these habitats. However through future gardens, enhanced site landscaping and the provision of nesting features in new buildings these measures are likely to provide potential replacement nesting sites for some species. Proposed off-site mitigation will further reduce the impact and, provided that mitigation sites are prepared by enhancing existing and creating new habitats and their future management is assured.

With regards to reptiles and terrestrial-phase amphibians within the site, the 2019 survey identified a small population of Common Lizard and a single Common Toad at the site. It is recommended that the removal of habitat with potential to harbour reptiles is made conditional upon the provision of a watching-brief and supervision by the site ecologist. The Assessment acknowledges that the development can progress with suitable mitigation measures which can be secured via the imposition of suitable planning conditions.

The Japanese Knotweed Eradication scheme submitted indicates that CCC has been treating the site in this respect since 2016 and continues to do so. The treatment for the Japanese Knotweed involves a foliar spraying of Glyphosate based herbicide late in the growing season for best efficiency. The treatment is carried out late in the season as the plants have had time to grow and increase their surface area giving a greater coverage for any herbicide that is used.

The Authority's Planning Ecologist identified that the application site has been recorded partially as Open Mosaic Habitats on previously developed land. The ecological report originally submitted stated that the Machynys Eco Park proposal represents mitigation for this habitat along with other developments, however this has yet to be progressed and is subject to a separate long standing pending planning application.

As the LPA has a duty to maintain and enhance Section 7 habitats under the Environment Act 2016, the applicant was requested to provide an alternative Brownfield Habitat Mitigation Strategy acknowledging that not all of the application site qualified as Open Mosaic Habitats on Previously Developed Land, a habitat of principal importance for conservation of biological diversity under Section 7.

The Mitigation Strategy subsequently received proposes to use a suitable section of land at Morfa-Berwick as compensation for the open mosaic habitat lost at the application site. The suitable area available at Morfa Berwick equates to approximately 2.5ha in area and is more than sufficient to compensate for such an area lost at North Dock. The Morfa Berwick site referred to is in CCC ownership and was transferred to the Authority's Conservation Section to maintain as brownfield habitat as part of the Burry Port harbour developments. A significant financial contribution was also made to its future management. There is sufficient land currently remaining there to also compensate for this development. There may also be scope to translocate habitats and kidney vetch subject to confirmation that this is in fact feasible.

The above reports along with the HRA screening report are currently being reviewed by the Authority's Planning Ecologist. The latter will in due course inform an Appropriate Assessment which will be forwarded on to Natural Resources Wales for sign off.

Natural Resources Wales has raised no objection towards the proposed development subject to conditions and the requirement to undertake an Appropriate Assessment. NRW has recommended the imposition of a number of conditions to prevent pollution of the environment and adjacent protected sites and to ensure that a suitable lighting scheme is submitted which demonstrates how suitable close by Otter habitat will not be adversely affected by the proposed development. In this respect Otters are a qualifying feature of the SAC.

### **Pollution – (Noise, Air Quality and Contaminated Land)**

The Town Council has raised concern that the proposed development will exacerbate air quality issues in the area. In relation to this the planning application was accompanied by an Air Quality Assessment Report which has been scrutinised by the Authority's Public Health division.

The Air Quality Assessment outlines that the proposed development of up to 210 residential units may generate an additional 295 light vehicle movements per day on local roads. The methodology used in this report is considered appropriate and takes into account that the site is located less than 800m from the boundary of the Llanelli Air Quality Management Area.

The Authority's Public Health section has confirmed that the proposed development will not have a significant adverse impact on air quality, as regulated under the Environment Act 1995 and in relation to the requirements of Local Air Quality Management.

However, as the development will generate a significant amount of additional vehicle movements and in accordance with the requirements of latest Welsh Government policy to improve air quality, as part of the development proposals, it is suggested that, as a minimum, consideration be given to installation of infrastructure to the dwellings that will allow the provision of electric vehicle charging points in the future.

A condition will also be imposed on any planning permission granted for the submission of a scheme to mitigate dust.

A Noise and Vibration Assessment was also submitted with the application to consider the implications of the proposed development in this respect. This report has been scrutinised by the Authority's Public Health division who have confirmed that the proposed development will meet the criteria of TAN 11 and BS8233:2014 for daytime and night time inside levels with mitigation measures recommended.

The development will incorporate design measures that secure good internal and/or outdoor acoustic conditions to attenuate any noise from the commercial/industrial units located to the north east of the development site. The proposed residential end use is considered to be a compatible use and is in accordance with the aspirations for the site as identified within the Adopted LDP.

The Environmental Health Section has raised no objection to the proposed development provided suitably worded conditions are imposed on any planning permission granted.

In terms of contaminated land and acknowledging the previously developed nature of the application site the application was accompanied by a Phase 1 Desk Study report which has been scrutinised by both NRW from an environmental protection perspective and the Authority's Public Health division in terms of human health.

Due to the previous industrial land uses which may have caused contamination, and proximity of the development to the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI), Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar site, NRW raised some initial concerns. However they note that the Phase 1 report recommends further investigation which will result in the submission of further supplementary information. In this respect NRW are satisfied that any issues in terms of contamination from an environmental protection perspective can be addressed through the imposition of conditions on any planning permission granted. These conditions include the standard approach to dealing with contaminated land condition which requires the submission of a Preliminary Risk Assessment, which in turn will inform an options appraisal and remediation strategy if needed. NRW has also requested conditions in relation to piling and a method statement detailing all necessary pollution prevention measures.

In a similar manner and to ensure that the proposed development fully considers the implications of the former land uses upon the proposed residential end use from a human health perspective, the Authority's Public Health division also recommend the imposition of the standard contaminated land condition.

Whilst the application was accompanied by a Mining Risk Assessment Report the Coal Authority has confirmed that the proposed development does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area, there is no requirement for such an assessment or for the Coal Authority to be consulted.

## **Drainage – Surface Water and Foul**

The planning application was accompanied by a detailed drainage strategy and water quality statement that deals with existing/previous surface water and foul flows and the measures proposed.

In terms of surface water the previous buildings that occupied the site and hardstanding within the development boundary positively drain to the estuary via a gravity sewer. The proposed surface water drainage strategy is to discharge at an attenuated rate via a 600mm diameter surface water sewer which outfalls into the Lliedi river.

In terms of foul water the foul drainage associated with the previous buildings that occupied the site, including those recently demolished, discharged to the Crawley pumping station (owned by DCWW). This pumping station also serves the foul and surface water discharge from the existing 3no. commercial units to the north-east of the development site.

With regards to the proposed method for dealing with foul drainage, a connection to the main public sewerage system is proposed. DCWW has confirmed that there is sufficient capacity with the local sewer network and the existing pumping station to cater for the proposed development however the connection point will need to be upsized from 150mm as existing to 225mm. In order to ensure a positive gravity connection to the existing drainage network the proposed levels of the development may need to be slightly elevated. All on-site sewerage systems will be constructed to adoptable standards.

In terms of water quality and the requirements of the CBEEMS Memorandum of Understanding, the drainage strategy identifies that an opportunity exists to remove surface water that enters the immediate foul pumping station from the 2no. commercial units to the north east of the application site where the existing yard and roof runoff discharge into the combined system. The applicant is currently liaising with DCWW with regard to a Section 185 Agreement to divert the existing drainage away from the combined sewer in this respect.

The total surface water removal area is calculated as 3440 m<sup>2</sup> (0.344 ha). Based upon the methodology set out in the MoU this translates to the removal 10.33 l/s or some 397 units with a x2 betterment. The foul discharge rate, calculated in accordance with the MoU for the proposed is 2.73 l/s. Therefore the LPA considers that the proposal fully complies with the requirements of the MOU.

The drainage strategy referred to has been assessed by NRW, DCWW and the Authority's own Land Drainage team, all of whom raise no objection to the strategy proposed.

## **Flooding**

Whilst the application site is within Flood Zone A as outlined in the Development Advice Maps referred to under TAN15, which is defined as an area to be at little or no risk of flooding, NRW during the course of the pre-application consultation exercise advised that due to the location of the proposed development, it would be beneficial for a Flood Consequence Assessment to be produced to address any tidal flooding concerns.

Although the site is currently classed as Flood Zone A, the FCA correctly identifies that there is a risk of tidal flooding in the future, once an allowance for sea level rise due to climate change is accounted for. The estimated flood levels provided in Table 2-1 of the



FCA are considered acceptable by NRW. The FCA suggests that the site could be raised to mitigate against future sea level rise, which is feasible.

It also identifies that vehicular access to the site could be compromised in a future climate change scenario, but safe pedestrian access would remain via an alternative route north over the railway line. NRW advise that access arrangements are a matter to be discussed and agreed with the LPA.

In light of the FCA submitted NRW has raised no objection towards the proposed development on flood risk grounds.

## **Heritage**

The application was accompanied by a Heritage Desk Based Assessment. The site itself does not contain any designated or protected assets however there are a number of listed buildings in close proximity. The impact upon the setting of such assets will need to be considered as part of any subsequent detailed planning application. The Authority's Built Heritage Officer has been consulted on the application but has not responded with any concerns.

In terms of archaeology associated with the previous historic industrial past of North Dock in general, Dyfed Archaeological Trust has confirmed that the proposed development is to be located within an area of archaeological and historical significance and potential. However, DAT note that this assessment covered a larger area, extending to the east to encompass the North Dock, to the boundary for the current application.

The area of proposed development included within the current application is mainly reclaimed ground of up to 7m depth, comprising re-worked natural materials, industrial waste and remnants of previous buildings (geotechnical report prepared by Earth Science Partnership, 2001). Here, archaeological potential is considered to be significantly lower according to DAT.

In light of the above DAT recommend that no further action is required in respect to the historic environment within this specific planning application.

## **Welsh Language**

In terms of the Welsh language and culture Paragraph 3.26 of Planning Policy Wales states that planning authorities must consider the likely effects of their development plans on the use of the Welsh language as part of the Sustainability Appraisal. Planning authorities should seek to ensure a broad distribution and phasing of development that takes into account the ability of the area or community to accommodate development without adversely impacting use of the Welsh language.

Paragraph 2.1.5 of TAN20 re-inforces this position by stating that when producing LDPs it is possible to assess the potential cumulative effects of development on the Welsh language across the plan area. This provides an opportunity to consider effects on local communities and the wider plan area together. Furthermore, one of the key benefits of a plan-led system is to give certainty and confidence to developers and to communities; the best way of doing this is to consider the use of the Welsh language during the preparation of LDPs.

This plan led approach is further emphasised in the following paragraph of TAN20:-

3.1.3 Planning applications should not routinely be subject to Welsh language impact assessment, as this would duplicate the SA and LDP site selection processes. Provided that the SA has given due consideration to the Welsh Language, an impact assessment at application stage would not be based on any further information than that which has been presented during the plan preparation stage.

In this respect the application site is a long standing allocation, being firstly allocated in the former Adopted Unitary Development Plan, 2006, and carried forward as an allocation in the current Adopted Local Development Plan, 2014. The LDP was subject to a Sustainability Appraisal which addressed the Welsh language. As such there is no in principle objection to developing the site for housing in this respect.

### **Visual amenity and character of the area**

As aforementioned in this report, the application site forms part of a mixed use allocation in the Adopted LDP which makes indicative provision for 335 residential units. Therefore the proposed residential development is considered to be in accordance with the aspirations of the development plan, and will deliver housing on a previously developed site within the defined settlement limits of Llanelli.

The indicative masterplan and scale parameter information submitted has served to show how the site could possibly be developed in an acceptable manner to accommodate up to 210 residential units. This is purely indicative at this stage and detailed consideration to matters of scale and design to ensure that any subsequent development is acceptable within its context will be given at any subsequent reserved matters stage. The scale parameters which show a maximum height of three storeys is considered acceptable.

### **Community Benefits**

The applicant has agreed to the following:

- 20% on site affordable housing contribution to be secured via condition
- On site public open space/play area to be secured via condition
- Education contribution of £388,000. This contribution has been calculated on the maximum number of 210 units being delivered. This will need be secured either via an up-front payment prior to the release of any outline planning permission or via the sale/contractual agreement.

### **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

### **Conclusion**

Further to the above, it is apparent that the principle of a suitably designed housing led development on this site is reflective of, and in accordance with planning policy. Development proposals that are potential contributors towards achieving the LDP's strategic objectives, as well as facilitating the delivery of the overall South Llanelli Strategic Zone, are duly welcomed in this regard.

In relation to the reduction in the number of residential units proposed from that allocated in the LDP, the LPA is of the opinion that the allocation figure in the LDP is notional / indicative. In this regard, the Plan does not seek to be over prescriptive and it accepted that there may have been a shift in the market demand (and potentially need) of housing types for this site since the original masterplan was put together as part of S/18032. It is noted that the design and access statement cites the original scheme as the basis for the design evolution.

Detailed consideration will need to be given at any subsequent reserved matters stage to matters in relation to size, scale and design to ensure that the development is in keeping with its immediate environs and maximises the opportunities that the site affords.

It is considered that there are no loss of amenity issues associated with the proposed development whilst the issues of concern and objection raised have adequately been addressed as part of the above appraisal. There are no statutory consultee or technical objections towards the proposed development.

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 following conditions. Members are respectfully requested to resolve to approve the application subject to the completion of an Appropriate Assessment and subsequent sign off from NRW.

## **RECOMMENDATION – APPROVAL**

### **Conditions**

- 1 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.
- 2 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.

- 3 The development shall be undertaken in strict accordance with the recommendations made in the Ecological Assessment, Reptile and Bird Survey and Brownfield Habitat Mitigation submitted with the planning application
- 4 The development shall be undertaken in strict accordance with the Japanese Knotweed Eradication Scheme Report submitted with the planning application
- 5 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 6 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the LPA.
- 7 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the LPA as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the LPA.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 9 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 10 Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority.
- 11 The development shall be undertaken in strict accordance with the recommendations made in the Drainage Strategy and Water Quality Statement received on the 2<sup>nd</sup> January, 2019 in terms of surface water drainage, foul water drainage and removal of surface water from the combined sewer network.
- 12 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 13 Prior to the commencement of development a lighting plan shall be produced which demonstrates how lighting of suitable otter habitats will be avoided and will need to be submitted for the written approval of the Local Planning Authority. The lighting plan shall subsequently be implemented as agreed.
- 14 No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the LPA. The measures shall subsequently be implemented as agreed.
- 15 The development shall be undertaken in strict accordance with the recommendations made in the Flood Consequences Assessment received on the 19<sup>th</sup> December, 2018.
- 16 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.

- 17 The development shall be undertaken in strict accordance with the recommendations made in the Air Quality Assessment Report received on the 19<sup>th</sup> December, 2018.
- 18 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 08:00 – 13:00 and not at all on Sundays, Bank or Public Holidays. As the proposed development is situated in a primarily residential area, it is recommended to minimise noise disturbance that the construction work be undertaken in compliance with BS: 5228 Noise Vibration and Control on Construction and Open Sites; and as specified in the Noise and Vibration Assessment Reference 6937/BL/pw February 2018.
- 19 The proposed residential dwellings shall be designed so as not to exceed the noise criteria based on current figures by BS8233 “good” conditions given below:
- Dwellings indoors in daytime: 35 dB LAeq,16 hours
  - Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)

Such detail and appropriate consequential noise mitigation measures (as stipulated in the Noise and Vibration Assessment Reference: 6937/BL/pw February 2018) shall have been agreed, in writing, by the Local Planning Authority and shall be implemented prior to occupation of the building on the site and shall be maintained as agreed thereafter.

- 20 All plots in proximity to the industrial/commercial site located to the north of the proposed development shall have amenity areas facing away from the industrial site and therefore will be sheltered in terms of noise.
- 21 To limit the impact of any vibration from rail traffic, no dwelling shall be built no closer than 10 meters from the railway line.
- 22 Prior to use of any access road by vehicular traffic, visibility splay in compliance with Technical Advice Note 18 (Transport) page 44 shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of carriageway.
- 23 Prior to the commencement of development, the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the phase being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 24 Prior to the commencement of development the written approval of the Local Planning Authority is to be obtained for a scheme detailing the provision and frequency of use of facilities for washing down the wheels of vehicles prior to entering the public highway. Thereafter the scheme shall be implemented as agreed.

- 30 No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.
- 31 Before any development is commenced a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.
- 32 Prior to the determination of any application(s) for reserved matters seeking approval of 'layout' or 'landscaping', no trees with trunk/stem diameter exceeding 100 mm, measured at a height of 1.5 metres above ground level, which are located within or on the site boundary shall be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written approval of the local planning authority. Following such approval all works are to be carried out in accordance with BS3998.
- 33 Any reserved matters application(s) in relation to this outline approval, shall include submission of a Landscape Constraint Plan (LCP) to approval by the local planning authority. The LCP shall define the following: -
- a) Stem location, canopy spread and root protection area (RPA) of all trees and groups of trees within or on the application boundary, and outside the boundary with a canopy spread which overhangs the boundary;
  - b) Outer extent of above ground growth or canopy spread; and RPA of all other landscape elements (hedgerows and continuous woodland/ scrub/ shrub areas) within or on the application boundary.

If the proposed development would result in potential impacts from: construction operations; changes in level; construction phase access; or installation of underground apparatus, within any RPAs defined within the LCP, the following shall also be submitted to approval: -

- i) Tree survey and Categorisation Report for all trees, groups of trees and other landscape elements subject to potential impacts within the RPAs.
- ii) Arboricultural Impact Assessment (AIA) which identifies the impacts of the proposed development on all trees, groups of trees and other landscape elements. The AIA shall clearly indicate which are to be retained; which are subject to potential impacts; and which are to be removed. The AIA shall provide appropriate mitigation proposals for all trees, groups of trees and other landscape elements which are to be removed.
- iii) Arboricultural Method Statement (AMS) which provides details, as necessary, of specific design solutions to enable effective retention of any trees, groups of trees and other landscape elements which are identified as subject to potential impacts within the AIA.
- iv) Tree Protection Plan (TPP) which provides details of all protective measures, operations and construction exclusion zones for all trees, groups of trees and other landscape elements to be retained;

All information shall be in compliance with the recommendations of BS5837.

- 29 All site operations shall be undertaken in compliance with the approved landscape constraint and protection information, as submitted to discharge condition 28.

Any construction operations and/or access within the defined construction exclusion zone(s) (CEZ) shall be limited to those undertaken in compliance with the recommendations of BS5837. CEZ(s) shall be fully implemented prior to the commencement of any works associated with the development; and thereafter maintained in entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Any existing landscape elements, identified for protection, or part thereof, which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the existing landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification and in such positions as may be agreed with the local planning authority, and thereafter likewise conditioned for a further period of five years.

- 30 Any reserved matters application(s) in relation to this outline approval, shall include an appropriate and comprehensive detailed Landscape Design Scheme (LDS), which shall be approved in writing by the local planning authority. The LDS shall be in compliance with: all ecological and biodiversity recommendations and proposals for the site; and relevant guidance as provided by the local planning authority.

- 31 The approved Landscape Design Scheme (LDS), as submitted to discharge condition 30 shall be fully implemented in the first available planting and seeding seasons following commencement of development.

Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved LDS which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

- 32 Any reserved matters application(s) in relation to this outline approval, shall include an appropriate and comprehensive Landscape Maintenance and Management (LMM) information which shall be submitted to and approved in writing by the local planning authority. The information shall include the following:-

- i) Landscape Maintenance and Management Responsibility Plan which provides clear definition of LMM responsibility for all landscape areas within the planning application boundary specifically: -
- Areas subject to transfer to future private residential ownership and management responsibility in terms of private amenity space for the sole benefit of the future owner.
  - Areas of the site proposed for adoption by the local authority
  - Areas within the site boundary not included in the above.



- ii) Landscape Maintenance and Management Scheme (LMMS) for all landscape areas within the application boundary which are not subject to private ownership as defined above, or to adoption by the local authority. The LMMS shall include:
  - Plans, specifications and schedules to cover establishment and long term proposals for landscape maintenance and management.
  - Details of the management agent (body or organisation) responsible for implementation of the LMMS; and the legal and funding mechanism(s) with the identified management agent by which delivery of the LMMS will be secured.

All landscape maintenance and management operations shall be fully implemented as approved.

- 33 A scheme for the provision of open space to meet the needs of the development in accordance with Policy REC 2 of the Local Development Plan needs to be submitted and approved as part of any subsequent Reserved Matters submission. The scheme shall include a timetable for the provision to be made and details of the arrangements for its subsequent maintenance. The open space shall be provided in accordance with the approved details.
- 34 No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

## Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.

- 3 In the interests of biodiversity.
- 4 To eradicate an invasive species.
- 5 The controlled waters at this site are of high environmental sensitivity due to the proximity of the development to the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI), Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar site and contamination is strongly suspected at the site due to the previous industrial land uses.
- 6 To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 7 To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 8 Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 9 There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 10 To protect human health.
- 11&12 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 13 For the protection of Otters, a European Protected Species and feature of the SAC.
- 14 For pollution prevention and the protection of the designated sites.
- 15 To safeguard against flooding.
- 16 To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.
- 17-21 To preserve the amenity of the existing and future residents.
- 22-26 In the interest of highway safety.
- 27-29 To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5; and pursuant to section 197 (a) of the Town and Country Planning Act 1990.

- 30-32 To ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity: thus delivering the objectives of CLDP policies: - SP1 d) and i); GP1 a), f) and i); EQ5; and where appropriate EQ6.
- 33 To ensure that sufficient provision for open space is made within the scheme to accord with Policy REC2 of the LDP.
- 34 To provide an appropriate level of affordable housing in accordance with Policy AH1 of the LDP and TAN 2.

## **Reasons for granting planning permission**

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

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP4 of the LDP in that the proposed development, in part will deliver the aspirations of a strategic site.
- It is considered that the proposal complies with Policy SP6 of the LDP in that provision is made for affordable housing within the scheme.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy SP18 of the LDP in that the interests of the Welsh language will be safeguarded and promoted.

- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the application site is within defined settlement limits
- It is considered that the proposal complies with Policy GP3 of the LDP in that the application will be subject to a Planning Obligation to meet the requirements arising from the development.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that it will deliver new housing within development limits.
- It is considered that the proposal complies with Policy AH1 of the LDP in that provision is made within the proposed scheme for affordable housing.
- It is considered that the proposal complies with Policy EMP5 of the LDP in that the proposed development will, in part, deliver the aspirations of a mixed use allocation.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.
- It is considered that the proposal complies with Policy EP5 of the LDP in that the proposed development in this coastal location will not increase the risk of erosion, flooding or land instability.

- It is considered that the proposal complies with Policy REC2 of the LDP in that provision for open space will be made within the proposed development.

## **Note(s)**

- 1 The applicant/developer should note that the following financial contributions are relevant to the development:-
  - £10,000 towards highway improvements at Sandy Road Roundabout
  - £25,000 towards Active Travel improvements
  - £388,000 towards improving local education facilities (based upon 210 eligible residential units being delivered)
- 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.

<b>Application No</b>	<b>S/39456</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	37 RESIDENTIAL DWELLINGS (AFFORDABLE) AT LAND TO THE NORTH OF TYCROES RFC, PENYGARN ROAD, TYCROES, AMMANFORD, SA18 3NY

<b>Applicant(s)</b>	JONES BROTHERS (HENLLAN) LTD & POBL, C/O AGENT,
<b>Agent</b>	JCR PLANNING LTD - JASON EVANS, UNITS 1-3 BUSINESS WORKSHOPS, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Tycroes
<b>Date of validation</b>	12/09/2019

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Higgins and following the receipt of more than five objections from third parties.

## Site

The application site consists of an irregular shaped parcel of land located off the southern periphery of the Ffordd y Deri housing estate and to the east of Penygarn Road in the village of Tycroes. It extends to an area of some 1.4 hectares of improved grazing pasture that forms part of two field enclosures that border the existing built form of the village with the main body of the site consisting of a southerly elongated enclosure that slopes gently in an easterly direction and is bounded on its eastern, southern and northern boundaries by mature hedgerows and trees. The site's northern boundary, shared with the existing Ffordd y Deri estate, is also defined by trees and hedgerows. The western periphery of the southern enclosure, which extends up to the boundaries of nearby residential properties and the grounds of Moriah Chapel, is excluded from the site and separated from the same by a post of wire stock fence.

The Ffordd y Deri estate road has been included within the site for access purposes as has its junction with Tycroes Road. The estate is characterised by two frontages of detached houses that flank the roadway and are fronted by parking and landscaped areas. The two southernmost dwellings which adjoin the field enclosures are served by private drives that have a shared access arrangement onto the estate road.

The site is located in a primarily residential area being close to the centre of the village and the various services and facilities therein. Tycroes Rugby Club and its associated playing fields are located a short distance to the south of the site with areas of countryside located to the east.

The planning history to the site shows that outline planning permission reference S/29469 – with all matters reserved – was granted on the 12 June 2015, subject to a legal agreement securing various community benefits and reserved matters consent reference S/37358 granted 19 March 2019. The outline application was submitted and considered under the then Carmarthenshire Unitary Development Plan (UDP). The subsequent reserved matters application was submitted within the specified first 3 years. Despite the fact that the former UDP has subsequently been superseded by the current Carmarthenshire Local Development Plan (LDP), the planning permission granted at the site for 27 dwellings remains extant.

## Proposal

The current application seeks full planning permission for residential development of 37 dwellings to be affordable units. The proposed mix of dwelling types would comprise 22 no. 2 bedroom properties, 8 no. 3 bedroom properties and 7 no. 4 bedroom dwellings the majority of which would include a detached side garage. All of which are semi-detached with the exception of 1 no. 4 bedroom detached property (plot 37). The proposed dwellings provide the required number of car parking spaces in line with the guidance.

The proposed semi-detached bungalows and two storey properties have a gable roof design and comprise of two variants, mirrored, with wholly facing brick finished walls in either Hardwicke Minster beckstone mixture of Hardwicke Welback Village blend. The detached four bedroom property has a front gable with the main front door on the side elevation fronting towards the north of the site. Fibre cement roof slates and white UPVC windows and rain water goods are proposed for all dwellings. Houses on the adjacent Ffordd y Deri estate are entirely facing brick finished, so the proposed materials seek to complement the design and appearance of the existing nearby residential development.

Access to the proposed residential development would be gained off Tycroes Road and through the adjacent Ffordd y Deri estate, as previously approved under outline planning permission S/29649. At the outline planning application stage poor visibility at the Ffordd y Deri/Tycroes Road was acknowledged as being poor, compounded by the prevalence of on street parking. The existing Ffordd y Deri estate road is to the requisite 5.5m carriageway width with flanking footways which will be adequate for the access to serve the current dwellings and proposed further 37 dwellings.

The proposal involves all of the 37 dwellings being affordable units in line with Policy AH2 Affordable Housing – Exception Sites.

Despite outline and reserved matters permission having been granted at the site previously, a suite of supporting documents have been submitted in support of this planning application:-

- 1 Planning, Design and Access Statement
- 2 Pre-Development Tree Survey and Assessment
- 3 Landscape Specification and Management Plan
- 4 Ecological Management Plan
- 5 SUDS Strategy Plan and supporting Soakaway Testing Results
- 6 Construction Environmental Management Plan

The original ecological assessment of the site was undertaken in 2008 and subsequent surveys were undertaken in December 2013, February 2017, January 2019 to inform the June 2019 Ecological Management Plan (EMP) submitted in support of the current planning application. This EMP covers the full range of ecological interests and is in the process of being scrutinised by the Council's Planning Ecologist. Likewise, the submitted landscaping scheme has also been reviewed by the Planning Landscape Officer, who has requested additional hedge planting for mitigation. Additional information from the agent addressing the request is to be submitted shortly.

In terms of the drainage, both surface water and foul, a combined sewer traverses the eastern end of the site close to the boundary with the Ffordd y Deri estate. This infrastructure apparatus is plotted on the submitted SUDS Strategy plan drawings, together with the associated safeguarded easement zone which is respected in the layout of the development. As per the previous permission at the site, the presence of such services within the site also provides the opportunity for the proposed development to conveniently connect and drain all foul flows to the public sewer without having to cross any third party land. Dwr Cymru/Welsh Water have raised no objection to such arrangements.

Turning to the surface water drainage arrangements, the current scheme has been designed to comply with the new regulations introduced in January 2019. The proposed surface water drainage scheme utilises sustainable drainage components including a bio retention basin to store and treat surface water runoff before it is discharged to an existing outfall a ditch which flows to the north east of the site. Discharge rates are to be restricted to the predevelopment runoff rate. In addition and following discussions with the Authority's drainage engineers, the scheme includes provision for a 'French drain' style feature along the western edge of the site, which seeks to assist in addressing existing drainage difficulties by properties to the west of the application site. The detailed drainage design and requirements will now be picked up by the Sustainable Drainage Approval



Body (SAB) under a separate application and legislation. The SAB team have advised that pre-application enquiry for the site has been received.

A Pre-development Tree Survey and Assessment has been submitted for the site alongside a Landscape Specification and Management Plan, Detailed Soft Landscape Proposals and an Ecological Management Plan (EMP). The tree and hedge felling plan within the EMP shows many of the trees and hedgerows bordering the site being retained as part of the development, with the exception of sections located at the end of the existing estate road and crossing the northern part of the site which will require removal to enable access to the site and the south eastern corner. These include a number that are shown to be of moderate or high amenity value in the accompanying tree survey report.

## Planning Site History

The following previous planning applications have been received in respect of the application site:-

S/37358	Up to 27 residential dwellings – reserved matters to outline approval S/29469	
–	Reserved Matters Granted	19 March 2019
S/37402	Provision of surface water drainage storage crates in connection with scheme submitted as part of a Reserved Matters application with respect to Outline Planning Permission S/29469	15 March 2019
S/29469	Up to 27 residential dwellings Outline planning permission	12 June 2015
AM/04948	Proposed 13 no detached houses with integral garages Full planning permission	09 October 2003
S/02974	Residential development Outline planning permission	26 April 2001
D5/16248	Residential development Outline planning permission	15 December 1994
D5/14860	Proposed new entrance to existing agricultural land Full planning permission	31 March 1994
D5/14859	Parking & turning area in conjunction with existing bus depot Full planning permission	31 March 1994

## Planning Policy

In the context of the Authority's current Development Plan the site is situated outside but adjacent to the defined development limits as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan. Reference is drawn to the following policies of the Plan:-

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP3 Sustainable Distribution- Settlement Framework

SP5 Housing

SP6 Affordable Housing

SP9 Transportation

SP17 Infrastructure

GP1 [Sustainability and High Quality Design](#)

[GP2 Development Limits](#)

[GP3 Planning Obligations](#)

[GP4 Infrastructure and New Development](#)

H1 Housing Allocations

AH1 Affordable Housing

AH1 Affordable Housing Exception Sites

TR2 [Location of Development- Transport Considerations](#)

TR3 Highways in Developments- Design Considerations

EP1 [Water Quality and Resources](#)

[EP2 Pollution](#)

[EP3 Sustainable Drainage](#)

[REC2 Open Space Provision and New Developments](#)

[REC3 Proposed New Open Space](#)

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – No objections Subject to the imposition of a number of conditions.

**Head of Public Protection** - No observations received to date.

**Sustainable Drainage Approval Body (SAB)** – advised that the surface water drainage proposals at the site are currently being assessed by the SAB team.

**Minerals Officer** – requested further details are submitted regarding site levels and an indication of the material required by the development.

**Planning Ecologist** – no observations received to date.

**Landscape Officer** – requested change to landscape plan and report in line with drainage strategy and hedgerow planting mitigation. Conditions required regarding Arboricultural Method Statement and Tree Protection Plan.

**Llanedi Community Council** – Request that a contribution is levied against the application to assist with the proposed improvements to public open space to be completed by the Council.

**Local Member(s)** - Councillor Tina Higgins requests that the application is considered at Planning Committee and raises the following points:

- The land is not within the LDP and therefore building cannot take place.
- Highway concerns in that the road in Ffordd y Deri is barely wide enough for two vehicles to pass and extra vehicles will lead to accidents and access from Tycroes is inadequate. Parking on Tycroes Road will also be affected.
- The boundaries for the project are unclear and the proposal will result in overcrowding.
- Flooding concerns and existing problems experienced by properties 8-13 Ffordd Y Deri.

**Assembly Member for Llanelli** – Lee Waters objects to the application with the following concerns:

- The land is not within the LDP.
- There are already concerns regarding the safety of the junction at Ffordd Y Deri and Tycroes Road and this is the only proposed access point to the development. This is also a narrow road and will affect parking.
- The proposed site is prone to flooding and raising the land level will increase the flood risk.
- The previous application raised concerns about the pressure on sewerage and other utilities and this application for 37 dwellings increases these concerns.
- Nuisance and disturbance to residents as a result of the construction compound.
- Removal of hedgerows and long-established trees will have a significant environmental impact and result in loss of visual amenity and privacy for residents of Ffordd y Deri.

**Natural Resources Wales** – no objection and recommend consulting with Authority's Ecologist regarding any potential impact on bats and dormice.

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

All representations can be viewed in full on our [website](#).

## **Summary of Public Representations**

The application was the subject of notification by way of site notices displayed adjacent to the application site and publication in the local newspaper.

7 representations were received, all of which object, the matters raised are summarised as follows:

- Disappointed proposal now increases number of dwellings from 27 to 37.

- Puzzled that the land is not included within the Local Development Plan and planning officers state that the land is not required as there were more suitable land options available for development in the locality.
- The recent announcement of the Authority securing 900 council houses should ease the pressure on the need for additional social housing.
- Initially deeply concerned regarding the environmental impact and detrimental effect on the locality's diverse wildlife habitat.
- Main concern is safety, in particular the junction at Fford Y Deri and Tycroes Road.
- The original grant of outline planning permission was deeply flawed.
- The yellow lines at the junction are continually ignored on a daily basis and cars and other commercial vehicles are continually parked on the yellow lines.
- The road at Fford Y Deri does not have central white lines indicating there is not enough room for two vehicles to pass simultaneously.
- Safety implications of HGV vehicles parking near to the junction and on the pavement makes the pavements inaccessible and unsafe for pedestrians, especially the elderly and disabled.
- Blind spot at the junction causing highway safety concerns.
- Existing speeding problem along Tycroes Road.
- New development will probably increase traffic by a factor of 200 to 300% and increase the risk of a serious life threatening accident.
- Up to approximately 100 vehicles leaving for work and the school run at the site time is frightening.
- Haywood Homes propose a further 19 homes at Parc Gwernen, this will exacerbate the situation further.
- A condition on the previous permission was a kerbed build out at the junction of Ffordd Y Deri and Tycroes Road to assist with traffic management yet this is no longer required and yellow lines instead. How will this be managed?
- Significant additional strain on local infrastructure.
- Impact on residents of Fford Y Deri and Tycroes Road and Penygarn Road.
- Witnessed badgers, bats, herons and Red Kites on site.
- Moved to a property in Ffordd Y Deri as it had no passing traffic and idyllic views over agricultural land. Proposal will result in loss of residential amenity with invasion of properties overlooking them and reducing privacy.
- Extant planning permission is for 27 bungalows and current application increases number of units and now also proposes 2 storey houses. Bungalows would be a lot less intrusive. Change to the previous design is disrespectful to current residents.
- Recognise need for affordable housing yet size of scheme is totally unacceptable. Previous scheme required for affordable units out of 27.
- How can there be an increase in the number of units by 10? The standards for social housing are in excess of what private developers build.
- Greenfield site and other brownfield sites are more suitable.
- Flooding concerns as there is a high risk of flooding from surface water to the rear of No 8 – 13 Ffordd y Deri and also to properties off Penygarn Road.
- Numerous complaints to the Council regarding the current flooding problems.
- Attended meeting with the applicant and agent where representative from Pobl was arrogant and parties appeared very confident that planning permission would be granted which makes a mockery of the consultation and planning process.
- Advised that Carmarthenshire County Council requested the number of units be increased on the site.
- Query as to when notices will be displayed.

- Loss of greenspace will increase flood risk further and impact on neighbouring properties.
- Destruction of hedgerows and established oak trees will have detrimental impact on local wildlife and existing residents.
- How will the proposed application be screened as part of the Habitat Regulation Assessment?

All representations can be viewed in full on our [website](#).

## **Appraisal**

### Principle of development

Planning permission for residential development has previously been granted via outline application reference. S/29469 in June 2015 and reserved matters consent reference. S/37358 granted in March 2019. As such the principle of residential development has been previously accepted at the site. In terms of the current application, the site is located outside of the defined development limits identified within the Adopted Local Development Plan (LDP). However, the application proposes 100% affordable housing on a site adjacent to development limits and as such complies with the requirements of Policy AH2 – Affordable Housing Exception Sites within the LDP.

In terms of the criteria within Policy AH2, the proposal is considered to be a logical extension to the development limits given it adjoins the limits to the north and west of the application site. The benefits of the initial affordability will be secured for future occupants through a legal agreement attached to any permission granted. The size, scale and design of the units are considered to be compatible with an affordable dwelling and will be available to low and moderate income groups. The proposal involves a range of different property sizes to the benefit of local residents.

### Impact upon character of the area and privacy considerations

Concerns have been raised regarding the increase in the number of dwellings on the site from the previously approved scheme. The current proposal represents a density of around 26 dwellings per hectare. Whilst this is higher than the previously approved scheme it is in line with the nominal density referred to within the Adopted Local Development Plan for new developments within identified growth areas. The layout of the site remains largely as previously approved with a central access road leading on from Ffordd Y Deri and running through the centre of the site with dwellings located either side. The layout of the proposed development is not dissimilar to the arrangement of the adjacent Ffordd Y Deri estate.

It is acknowledged that the previous scheme at the site was for bungalows and the current application seeks permission for a mix of bungalow and two storey properties, the layout and arrangement of the proposal is not considered to result in any loss of privacy or potential for overlooking. The revised scheme includes a more varied housing mix of benefit to the local residents and in line with requirements of policy AH2.

### Biodiversity Impacts

Challenges around the ecological and wildlife value of the site have again been raised as part of the current planning application, which were previously examined and considered

as part of the previous outline and reserved matters applications. The site and its ecological value has again been reviewed by Natural Resources Wales, comments from the Authority's Ecologist are outstanding.

Subsequent to the numerous previous ecological surveys and appraisals of the site, the current application is accompanied by an Ecological Management Plan (EMP) dated June 2019. The EMP submitted seeks to satisfy the requirements of condition 11 of the outline planning permission by not only setting out a strategy to meet the requirements, but also detailing the protective and enhancement measures and recommendations set out in the previous Ecological Appraisal Report. The same report established that the site contained a limited range of habitat types which include species poor improved grassland, both species poor and rich hedgerows and trees, and areas of scrub and marshy grassland and the situation has not changed in the interim. Formal comments on the current application and latest EMP are awaited from Planning Ecology.

In terms of the landscape proposals, the Landscape Officer has not objected to the application but requested additional mitigation through further hedgerow planting in the north eastern corner of the site. Conditions are also imposed regarding submission of a Tree Protection Plan and Arboricultural Method Statement prior to the commencement of development to ensure existing landscape on site to be retained is protected.

On the specific points raised regarding siting of badgers from properties neighbouring the application site. The most recent update survey found no evidence of badger setts on or immediately adjacent to the site, while it is common for badgers to travel several kilometres in their nocturnal foraging. It is not considered that a Habitat Regulation Assessment is required.

### Highway Impacts

A common ground of concern amongst respondents is that the existing Ffordd y Deri estate road and its junction with Tycroes Road is considered inadequate in its present form, let alone the expectation to cater for the traffic likely to be generated by the proposed development. The same highway safety concerns also extend to vehicular traffic and pedestrian safety within the Ffordd y Deri estate, where it is opined that the estate road is of insufficient width to accommodate further traffic to any development beyond the estate be it for the construction phase, or on completion and occupation.

The responses maintain that despite previous measures to prohibit parking to either side of estate junction visibility levels are inadequate to serve further development, compounded by unauthorised parking within those areas. In the same vein, many query how such an application could even be considered given that the site is no longer allocated or shown to be within the settlement limits of Tycroes.

The previous outline planning application acknowledged that the existing Ffordd y Deri junction has inadequate visibility along Tycroes Road to accommodate the likely intensification of use resulting from the development. However, as was established previously on the outline planning permission, Tycroes Road has a carriageway width of approximately 8.1 metres at the Ffordd y Deri junction. The Highways Officer has requested a condition to be imposed on any permission granted regarding improvements to the junction to achieve the required visibility.

### Flood Risk Implications

A further common ground of objection is belief that the development will exacerbate existing surface water flooding problems within the area. Further to the Drainage Report and details that were previously approved for the site, a revised drainage scheme has been submitted for the current application. However, details of the drainage at the site will now be dealt with via the new SuDS application process. The Authority's SAB team have confirmed that a SAB pre-application enquiry has been submitted for the site and raised no objections to the proposal. The submitted scheme also includes measures to help address the existing drainage difficulties by properties to the west of the application site.

DCWW have not raised any capacity constraints in the local network and are not objecting to the application.

### Other Matters

In terms of the other matters raised the site notices for the planning application were displayed on 26 September 2019. No objections have been raised from local service/utility providers in response to the application. The issues raised by the respondents in respect of the loss of views and depreciation of property value are not material in the consideration of the application.

## Planning Obligations

The developer is entering into a Section 106 agreement in relation to relevant contributions regarding the retention of properties as affordable units and towards local education and open space provision.

The developer is requesting that any contributions paid as part of the previous Section 106 agreement attached to planning permission reference. S/29469 are deducted from the requirements for the current application. The applicant's solicitor has proposed the following wording for inclusion within the Section 106 legal agreement:

**"The [*affordable housing*] provisions in this Agreement [*DN: cross-referencing the specific provisions would be preferable if it is not covering all of the provisions in the Agreement*] shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of the whole or any part of the [*affordable dwellings*] or any persons or bodies deriving title through such mortgagee or chargee or Receiver."**

The legal department are presently reviewing the wording.

## Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG

Act). The decision takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted together with the representations received to date, it is concluded on balance that, the proposal represents an acceptable form of residential development that will not complement the general character and appearance of the surrounding area. The site whilst located outside of the development limits is adjacent to limits and represents a logical extension as required by Policy AH2 of the Local Development Plan. In addition, residential development has previously been accepted at the site through granting of earlier outline and reserved matters consent. The proposed development of the site for 37 affordable dwellings complies with the key policy and sustainability objectives of the Authority's adopted Local Development Plan and National Planning Policy.

The general scale, design and layout of the scheme is considered to be acceptable to the character and appearance of the surrounding development. Moreover, the proposal will provide a range and choice of housing types and sizes to the benefit of local people and will be well related to existing services and facilities in the wider Tycroes area. In addition to the provision of affordable dwellings, the development will also secure a range of community benefits in the local area which will include financial contributions towards local education and recreational facilities.

It is therefore considered that there are no sustained highway, amenity, ecological or utility service objections to the development. Accordingly, the application is put forward with a favourable recommendation subject to the successful completion of a Section 106 Agreement securing the community benefits outlined above.

## **RECOMMENDATION – APPROVAL**

### **Conditions**

- 1 The development shall begin no later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents:-
  - Site location plan 1:1250 scale (drawing No. 2337-100 Rev E) received 16 August 2019;
  - Sketch Layout Plan 1:500 scale (drawing No. 2337-09 Rev G) received 21 November 2019;
  - Proposed SUDS Strategy Plan (drawing no. 2337-742 Rev B) received 16 August 2019;
  - Site Overlay Plan (drawing no. 2337-OV01) received 17 September 2019;
  - Site Access Red Line Overlay (drawing no. 2337-SK-SA06) received 16 August 2019;



- Proposed Completed Access Arrangement (drawing no. 2337/SK-SA05 Rev A) received 16 August 2019;
- Material Layout Plan (drawing no. 2337-241 Rev A) received 22 November 2019;
- Site Layout and Cross Sections (drawing no. 2337/635 Rev E) received 7 November 2019;
- External Levels 1 of 2 (drawing no. 2337-526/1 Rev A) received 7 November 2019;
- External Levels 2 of 2 (drawing no. 2337-526/2 Rev A) received 7 November 2019;
- Enclosures Layout Plan (drawing no. 2337-240 Rev B) received 21 November 2019;
- Housetype 321 Floor Plans (drawing no. 2237-218 Rev A) received 16 August 2019;
- Housetype 321 Elevations (drawing no. 2237-219 Rev A) received 16 August 2019;
- Housetype 421 Floor Plans (drawing no. 2237-200) received 16 August 2019;
- Housetype 421 Elevations (drawing no. 2237-201A) received 16 August 2019;
- Housetype 421 Elevations (drawing no. 2237-201B) received 16 August 2019;
- Housetype 431 Floor Plans (drawing no. 2237-222 Rev B) received 3 September 2019;
- Housetype 431 Elevations (drawing no. 2237-223 Rev A) received 3 September 2019;
- Housetype 531 Elevations (drawing no. 2237-208A) received 16 August 2019;
- Housetype 531 Elevations (drawing no. 2237-208B) received 16 August 2019;
- Housetype 531 Floor Plans (drawing no. 2237-207) received 16 August 2019;
- Housetype 532 Floor Plans (drawing no. 2237-214) received 3 September 2019;
- Housetype 532 Elevations (drawing no. 2237-215) received 10 September 2019;
- Housetype 741 Floor Plans (drawing no. 2237-216) received 16 August 2019;
- Housetype 741 Elevations (drawing no. 2237-217A) received 16 August 2019;
- Housetype 741 Elevations (drawing no. 2237-217B) received 16 August 2019;
- Housetype 642 Floor Plans (drawing no. 2237-205) received 16 August 2019;
- Housetype 642 Elevations (drawing no. 2237-206) received 16 August 2019;
- Hardwicke Minster Beckstone Mixture sample material received 6 September 2019;
- Hardwicke Welbeck Village Blend sample material received 6 September 2019;
- Pre-Development Tree Survey & Assessment prepared by TDA (reference. TDA/2477/TS&A/RhC/06.19) received 16 August 2019;
- Detailed Soft Landscape Proposals (drawing no. TDA.2477.03 Rev B) received 22 November 2019;
- Landscape Specification Management Plan prepared by TDA received 16 August 2019;

- Supplementary Soakaway Testing Results prepared by Integral Geotechnique (reference. 12339/LW) received 16 August 2019;
- Construction Environmental Management Plan prepared by Jones received 21 November 2019;
- Pobl Affordable Housing letter dated 19 June 2019 received 16 August 2019;
- Site Investigation Report prepared by Integral Geotechnique (reference. 12339/LW/18/SI) received 3 September 2019;
- Gas Monitoring Results prepared by Integral Geotechnique (reference. 12339/LW) received 19 November 2019;
- Planning, Design and Access Statement prepared by JCR Planning (reference 0442.b) received 3 September 2019;
- Ecological Management Plan prepared by Soltys Brewster Ecology received 3 September 2019;
- Transport Assessment prepared by Acstro received 6 September 2019;
- Highway Construction Details (drawing no. 2337/730) received 21 November 2019.

- 3 The proposed development shall be carried out in accordance with the approved sample materials submitted.
- 4 The measures and details referred to within the Land North of Tycroes RFC Site Investigation Report (12339/LW/18/SI) prepared by Integral Geotechnique and discharged under application reference. S/39332 and the accompanying gas monitoring results must be implemented in full. All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).
- 5 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 6 No building shall be occupied until the drainage system for the site has been completed in accordance with the details submitted. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 7 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
- 8 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 estate road frontage within 2.0 metres of the near edge of the carriageway.
- 9 Prior to the commencement of the development hereby approved the highway improvements comprising of the build-out at the junction of Ffordd y Deri/Tycroes

Road as shown on the Ffordd Y Deri/Heol Tycroes Junction Proposed Improvement Plan (drawing no. 1302-002-Rev A) shall be provided and the visibility splays formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of the carriageway. In particular, there shall at no time be any obstruction above 0.9 metres within this splay area.

- 10 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 11 The parking spaces and layout shown on the plans herewith approved shall be provided prior any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 12 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway and 1.8 metre footways.
- 13 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 14 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 15 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 16 No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.
- 17 The development shall be carried out strictly in accordance with the submitted Construction Environmental Management Plan (CEMP) received on 21 November 2019, for the duration of the construction phase.
- 18 During the site clearance and construction phases, no works shall take place other than within the hours of 07:30 - 18:00 Monday - Friday, Saturday 08:00 - 14:00 and not at all on Sundays, Bank or Public Holidays. As the proposed developments are situated in a primarily residential area, it is recommended to minimise noise disturbance that the construction work be undertaken in compliance with BS: 5228 Noise Vibration and Control on Construction and Open Sites.
- 19 Prior to the commencement of any works associated with the development (including site vegetation clearance, demolition of existing structures, excavation, heavy machinery entering site or the on-site storage of materials) the following shall be undertaken in compliance with the recommendations of BS5837 and submitted and agreed in writing by the local planning authority:

i) Arboricultural Method Statement (AMS) which provides details, as necessary, of construction operations and specific design solutions to be undertaken within the root protection areas of all trees, large shrubs and hedges identified for retention;

ii) Tree Protection Plan (TPP) which provides details of all protective measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention;

20 All site operations shall be undertaken in compliance with the approved landscape constraint and protection information, as submitted to discharge condition 14. Any construction operations and/or access within the defined construction exclusion zone(s) (CEZ) shall be limited to those undertaken in compliance with the recommendations of BS5837. CEZ(s) shall be fully implemented prior to the commencement of any works associated with the development; and thereafter maintained in entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Any existing landscape elements, identified for protection, or part thereof, which, within a period of 10 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the existing landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification and in such positions as may be agreed with the Local Planning Authority, and thereafter likewise conditioned for a further period of five years.

21 Before the beneficial occupation of the dwellings hereby approved the bathroom, toilet and en-suite windows of the proposed dwellings shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.

## **Reasons**

1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2 To ensure that only the approved works are carried out.

3 In the interests of visual amenity;

4+5 In order to protect human health and the natural environment.

6 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

7 To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8-16 In the interests of highway safety.

17-18 In the interests of public protection and residential amenity.

19-20 To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness: thus, delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5; and pursuant to section 197 (a) of the Town and Country Planning Act 1990.

21 In the interest of privacy.

## Notes/Informatives

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 This planning permission is granted subject to the covenants contained in the accompanying Section 106 Legal Agreement in connection with the community benefits provided as part of 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)).

- Please see the relevant response from the Highways Officer and refer to the recommendations and advice contained therein.

<b>Application No</b>	<b>S/39662</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	DETACHED GARAGE AT CLOS CAE DERW, LLANGENNECH, CARMARTHENSHIRE, SA14 8WF

<b>Applicant(s)</b>	CARYL WILLIAMS FORD, CLOS CAE DERW, LLANGENNECH, SA14 8WF
<b>Agent</b>	ADAM REWBRIDGE, J.A. REWBRIDGE DEVELOPMENT SERVICES, 5 CHAPEL STREET, MUMBLES, SWANSEA, SA3 4NH
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Llangennech
<b>Date of validation</b>	18/10/2019

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

## Site

The site comprises the curtilage of a detached dwelling at no. 3 Clos Cae Derw off Hendre Road in Llangennech. The dwelling is set towards the rear of the plot with car parking and driveway to the front of the dwelling and amenity garden area to the rear. Outline planning permission was granted for the dwelling and neighbouring dwellings in 2011 and reserved matters consent approved in January 2018. Car parking is presently provided to the front of the dwelling on a blocked paving surface.

The application site includes land to the front of the dwelling which comprises part of the shared driveway approved as part of the previous permission granted for the wider site.

## Proposal

The application seeks planning permission for a single storey detached garage situated to the front of the site. The proposed garage measures 6.6m by 4.7m and has a ridge height of 4m and eaves height of 2.4m. The garage is proposed to be situated in the corner of the

site alongside the south and eastern boundaries with the rear gardens of properties 11 and 13 Hendre Road.

The proposed garage will comprise a gable roof with the external finish to consist of a painted rendered finish, grey UPVC windows and doors to match that of the existing property. The roof will be clad with fibre cement slate roof tiles. A garage door and two pane window is proposed on the south west facing elevation and double glazed doors on the north-west elevation fronting towards the dwelling.

## Planning Site History

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

S/36345	RESIDENTIAL DEVELOPMENT - ACCESS, APPEARANCE, LANDSCAPING, LAYOUT, SCALE (RESERVED MATTERS TO APPROVAL S/31079) Reserved Matters Granted	30/01/2018
S/31079	VARIATION OF CONDITION 2 (EXTENSION OF TIME) ON PLANNING PERMISSION S/25613 GRANTED ON 15 DECEMBER 2011 FOR RESIDENTIAL DEVELOPMENT Variation of Planning Condition Granted	04/12/2014
S/25613	RESIDENTIAL DEVELOPMENT (RE-SUBMISSION OF APPLICATION S/24310 WITHDRAWN) Outline Granted	15/12/2011
S/24310	RESIDENTIAL DEVELOPMENT Withdrawn	22/03/2011

## Planning Policy

In the context of the Authority's current Local Development Plan (LDP) the site is located within the Development Limits of Llanelli. Reference is drawn to the following policies of the Plan:-

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

GP1 Sustainability and High Quality Design  
GP6 Extensions

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – initial query regarding shared access drive built in accordance with the approved plans. Following submission of a tracking plan Highways Officer confirmed no objection.

**Llanelli Rural Council** - No observations received to date.

**Local Member(s)** – Councillors Gary Jones and Gwyneth Thomas have not commented to date.

**Sustainable Drainage Approval Body** – no comments on the application.

**Dwr Cymru/Welsh Water** – no comments on the application.

**Coal Authority** – no comments as application is for householder development.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of neighbouring letters and a site notice posted at the entrance to the close.

Three representations were received from two households, all of which object, the matters raised are summarised as follows:

- Proposed garage is located within an area previously approved for landscaping and turning.
- Oversized garage with a single car opening and double doors, raising concerns that the garage will not be used for parking vehicles.
- Since the bungalow was built a lot of sunlight to garden has been lost and the bottom half is now shaded as the fence casts a shadow across this. Building a garage will put the rest of the garden into shade and will be very unfair given sunlight has already been lost through building of the bungalow.
- Neighbours have a right to enjoy a sunny garden for their physical and mental health.
- The house was bought 22 years ago partly due to the sunny garden which has already been partly lost.

All representations can be viewed in full on our [website](#).

## Appraisal

The site is located within the development limits of Llanelli and within the curtilage of the existing residential dwelling. In line with policy GP6 of the LDP, the building must be subordinate and compatible to the size, type and character of the existing development. The site comprises a detached dwelling with a front driveway and rear garden area. The proposed garage is single storey set at the corner of the east and southern boundaries for the site. The garage will be set 3.9m from the boundary of the rear garden of no. 11 Hendre Road and approximately 0.8m from the side boundary of the garden of no. 13 Hendre Road.



The design and roof form of the proposed garage seeks to harmonise with that of the existing dwellinghouse and neighbouring properties. The south west elevation which will be visible when approaching the site consists of the garage door and double panel window and is not considered to appear out of keeping with the residential character of the area. The materials proposed for the external finishes of the proposed development complement the existing dwelling. Based on the above it is considered that the proposal complies with the relevant policy criteria within GP1 and GP6.

Objections from third parties raise concerns regarding the impact on amenity of adjacent occupiers, most notably loss of light. The garage is proposed to be situated to the north of the objectors' properties, whilst it is acknowledged that the garden for no. 13 Hendre Park runs along the east of the application site the scale and height of the proposed development is not considered to result in a significant adverse effect on the amenities of neighbouring occupiers. Although they do not apply in this instance it is worthwhile noting that permitted development rights allow for the construction of outbuildings up to 4m in height where they are beyond 2m of the boundary of the curtilage of the dwellinghouse (subject to other criteria also).

Concerns are also raised regarding the area in which the proposed garage is to be situated being previously approved as part of the shared driveway for the three dwellings within Clos Cae Derw. This has been considered by the Highways Officer who has advised the proposed application for the garage does not impact on the turning provision for the wider site as previously approved as it shortens the length of the road slightly and there is no change to the width.

In terms of the concerns that the garage will not be used for parking purposes. The agent has advised that the proposed garage is to be used for storage purposes only in connection with the existing dwelling and the parking situation will remain as existing at the property. A condition is proposed to be added to any permission granted to ensure that the garage remains ancillary to the residential dwelling.

The proposal does not impact upon the highway network and there are no ecological/environmental considerations.

The proposal is therefore considered to be in accord with the objectives of policies GP1 and GP6 in terms of its likely impact upon the residential amenity of neighbouring occupiers.

## **Planning Obligations**

None

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The decision takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

## Conclusion

After careful consideration of the scheme as submitted, the site and its surrounding environs, together with the representations received to date, it is concluded on balance that the scale and design of the proposed garage is considered to be acceptable and have no detrimental impact on the character and appearance of the existing dwelling and surrounding residential area. The garage is subordinate and compatible to the size, design and character of the host dwelling and the amenities of adjacent occupiers will not be adversely affected by the development.

The proposal is in accordance with the policies of the adopted Local Development Plan and is therefore put forward with a favourable recommendation subject to the below conditions.

### RECOMMENDATION – APPROVAL

## Conditions

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plans:-
  - Site Location Plan scale 1:1250 and Block Plans scale 1:500 drawing no. 09.19.3C.D3 Rev A received 4 October 2019;
  - Existing and Proposed Site Layout Plans scale 1:50 drawing no. 09.19.3C.D1 Rev D received 31 October 2019; and
  - Proposed Elevations scale 1:100 drawing no. 09.19.3C.D2 Rev D received 31 October 2019.
- 3 The proposed garage building hereby approved shall only be used for the purposes of parking and storage for the occupants of no. 3 Clos Cae Derw and for no separate use in isolation from the existing dwellinghouse.
- 4 The boundary treatment and materials of the proposed garage shall be constructed as per the details shown on Proposed Elevations drawing no. 09.19.3C.D2 Rev D before the building is first used and retained thereafter.

## Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity and to confirm the extent of the permission.
- 3 To safeguard against any separate use.
- 4 In the interest of visual amenity.

## Notes

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

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

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

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

- 2 Comments and responses received from consultees and third parties can be found on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)). They may also relate to other permissions or consents required or include further advice and guidance.
  - Please see the relevant responses from Dwr Cymru/Welsh Water and refer to the recommendations and advice contained therein.