

**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 30 IONAWR 2020
ON 30 JANUARY 2020**

**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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	30 JANUARY 2020
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/37370
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Application Type	Full Planning
Proposal & Location	PROPOSED TWO NUMBER SEMI-DETACHED DWELLINGS AT LAND ADJ TO 63 CULLA ROAD, TRIMSARAN, KIDWELLY, SA17 4DA

Applicant(s)	MR KEVIN GRAVELL, 43 MYRTLE HILL, PONT-HENRI, LLANELLI, SA15 5PD
Agent	LEWIS PARTNERSHIP LTD - MR RHYS ANDREWS, 13 PARK CRESCENT, LLANELLI, SA15 3AE
Case Officer	Gary Glenister
Ward	Trimsaran
Date of validation	12/06/2018

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 application site is a 0.073ha parcel of land within the settlement limits of Trimsaran. The site has been cleared and forms a vacant plot within the village. The plot is an irregular shape with a road frontage of 12.3m extending to the rear of 63 Culla Road so it has a width of 25.4m at the rear, with a depth of 35m.

The site itself is relatively flat, however Culla Road generally slopes down in a northerly direction.

There is a terrace of houses to the south and a large executive house at a lower level to the north. The site backs on to the rugby club to the east.

Proposal

The application seeks full planning permission for a pair of semi detached 3 bed houses along with associated gardens and off street parking area. The houses are proposed to be stucco render with brick plinths under a concrete tiled roof.

The houses as originally submitted were relatively tall compared with the surrounding houses, however amendments have been made to the roof pitch and finished floor levels which have lowered the ridge height.

The proposal includes a comprehensive surface water scheme as there is third party concern over potential surface water flooding.

The applicants have also submitted a speed survey and access assessment to ensure highway safety is not compromised.

Planning Site History

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

S/22590	RESUBMISSION OF PREVIOUSLY REFUSED APPLICATION S/21782, TO CONSTRUCT 1 NO. DETACHED 4 BEDROOM DWELLING Full Granted -16 April 2010
S/21782	CONSTRUCTION OF 1 NO. DETACHED 4 BEDROOM DWELLING Full Refusal 10 November 2009
S/21298	CONSTRUCTION OF 2 NO. (1 PAIR) OF SEMI-DETACHED 3 BEDROOM DWELLINGS Withdrawn - 02 July 2009
S/15243	ONE HOUSE Outline Granted -06 March 2007

Planning Policy

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

SP1	Sustainable Places and Spaces
SP2	Climate Change
GP1	Sustainability and High Quality Design
Error! Reference source not found.	Development Limits
Error! Reference source not found.	Housing within Development Limits
Error! Reference source not found.	Affordable Housing
Error! Reference source not found.	Location of Development - Transport Considerations
Error! Reference source not found.	Highways in Developments - Design Considerations

[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 queries were expressed, however a speed survey and access assessment has been submitted to justify the access proposed. There are no objections based on the amended scheme.

Sustainable Drainage Approval Body – the application pre-dates the SAB process however the engineers have scrutinised the surface water scheme and have no objections.

Trimsaran Community Council - No observations received to date.

Local Member(s) - Councillor K Broom has not commented to date.

Dwr Cymru/Welsh Water – has no objection.

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

Summary of Public Representations

The application was the subject of notification by way of 2 neighbour letters.

3 representations were received objecting and the matters raised are summarised as follows:

- Surface Water
- Height of Proposal
- Privacy from side windows
- Access & Parking

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

Appraisal

Surface Water

Surface Water has been raised as an issue to third parties. The site has been cleared and a 'teram' surface laid to prevent weeds. This has reportedly resulted in an increase in surface water flowing off the site and into third party gardens to the North. The applicant was therefore asked to produce a drainage scheme. A comprehensive drainage scheme including rainwater harvesting and storage has been submitted. It should be noted that SAB approval is not required in this case as the application pre-dates the legislation, however the SDAB team has scrutinised the drainage scheme. The scheme is considered to be fit for purpose and suitable for the site in order to minimise water ingress to properties at the lower level.

Height of the Proposal

The height of proposal has been reduced by a combination of reducing the ridge height by lowering the roof pitch of the dwellings and reducing the ground levels compared with the existing. The pitch is now very shallow so from the side, the proposal appears at odds with the terrace to the South, however when viewed from the front, it does provide an acceptable

step down in ridge heights which follows the gradient of the road. Given the location of the houses set back from the terrace, it is not considered likely that the difference in roof pitch would have a detrimental impact on the street scene or character of the village.

Loss of Privacy

Loss of privacy from side windows is not considered unacceptable as there are no side windows on the adjacent house. Any view from side windows into the neighbouring garden would be at an obtuse angle so is not considered to be obtrusive or over bearing.

Access and Parking

The Head of Transport had initial concerns over the width, alignment and visibility from the proposed access point. The applicant was therefore asked to provide an amended driveway and speed data in order to assess the visibility splay. As a result of the additional information the Head of Transport has no objection subject to the imposition of appropriate conditions. The parking area has also been scrutinised to ensure that the spaces and manoeuvring space is fit for purpose

Planning Obligations

The standard affordable housing contribution based on the internal floor area is applicable in this case.

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

After careful consideration of the site and surrounding environs, in the context of the proposal, it is considered that the site is an infill opportunity within the settlement development limits of Trimsaran, so the principle of development is acceptable subject to other policy considerations.

The design and appearance of the two dwellings is considered to be acceptable and in keeping with the general locality which is a mix of traditional small dwellings and larger executive type dwellings. The site is of a sufficient size as to accommodate an appropriate garden and parking for each plot so it is not considered to be over development of the site.

Whilst there are concerns over localised flooding from surface water, the applicant has produced a drainage strategy which has been checked by the County drainage engineers. This is considered to be satisfactory. The head of transport had initial concerns over visibility and parking layout, however these have been overcome. Therefore on balance, whilst there

is third party concern, the proposal is considered to be acceptable and in accordance with the above policies.

It is therefore recommended that the application be approved subject to the submission of a Unilateral Undertaking securing an affordable housing contribution.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans dated 1 June 2018.
 - 1:500 and 1:1250 scale Existing Site and Location Plans. Drawing No. 01 the following plans dated 2 August 2018
 - 1:100 scale Proposed Access Visibility Splays. Drawing No. 001B
 - 1:100 scale Proposed Site Layout. Drawing No. 03F
 - 1:100 scale Proposed Floor Plans and Elevations. Drawing No. 04G
 - 1:200 scale Proposed Site Sections. Drawing No. 07A and the following plan dated 1 February 2019
 - 1:100 scale Proposed Drainage Strategy Engineering Site Plan Drawing No. DS1
- 3 The development hereby approved shall not be occupied prior to the full implementation of Drainage Strategy Report as shown on the 1:100 scale Proposed Drainage Strategy Engineering Site Plan Drawing No. DS1 dated 1 February 2019.
- 4 Prior to its use by vehicular traffic, the new shared use private shall be laid out and constructed with 4.1 metre carriageway for the first 5.0m from the nearside carriageway edge of Culla Road (B4317).
- 5 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 6 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 7 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 34 metres to the north and 2.4 metres x 37 metres to the south shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.
- 8 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.
- 9 The parking spaces and layout shown on the plans herewith approved shall be provided prior to 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.

- 10 The shared private drive shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.
- 11 No development shall commence until details and / or samples of external roof and brick materials have been submitted to and approved by the Local Planning Authority.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2&11 In the interests of visual amenity in accordance with Policy GP1 of the LDP.
- 3 To avoid the flooding of third party properties in accordance with Policy SP2 of the LDP.
- 4-10 In the Interests of Highway Safety in accordance with Policy TR3 of the LDP.

Notes

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

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

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement if 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 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)

Application No	S/38652
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Application Type	Variation of Planning Condition(s)
Proposal & Location	VARIATION OF CONDITIONS 1 AND 8 ON S/19824 (REQUEST EXTENSION OF TIME ALLOWED FOR THE EXTRACTION OF MINERALS) AT PENNANT QUARRY, HERBERDEG ROAD, PONTYATES, LLANELLI, SA15 5UP

Applicant(s)	T RICHARD JONES LTD - DAFYDD JONES, BETWS INDUSTRIAL PARK, FOUNDRY ROAD, AMMANFORD, SA18 2LS
Agent	ASBRI PLANNING LTD - RICHARD BOWEN, SUITE D, 1ST FLOOR, 220 HIGH ST, SWANSEA, SA1 1NW
Case Officer	Tom Boothroyd
Ward	Glyn
Date of validation	02/04/2019

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than five objections from third parties

Site

The application site is a sandstone quarry known as Pennant Quarry which has been operated intermittently for several years, the site was granted an extension of time to operate as a quarry by planning permission S/19824. The site is located predominantly in the open countryside on the southern hill slopes of the Gwendraeth Valley, to the south and west of a minor road extending between the B4317 road to Pontiets to the North West and Five Roads to the south. Access to the site is available via a narrow country road known as Herbedeg Road. This is a relatively small quarry and is mostly screened from view by the topography of the site and the mature planting along the boundaries with Herbedeg Road, although it is visible from various locations across the Gwendraeth Valley.

Proposal

The previous planning permission, S/19824 expired on 6th April 2019, this application (which was submitted prior to the expiration of permission at the site) is seeking to vary condition 1 of this planning permission, to extend the operational life of the site by a further 10 years

(this would be 10 years from the date of permission). The application also seeks to vary condition 8 of the planning permission, this condition relates to the working depth of the site. When permission S/19824 was issued there was an error with regard to condition 8 and subsequently the permission allowed working down to a depth of 20 metres above ordnance datum (a.o.d). As part of this application the applicant has applied to amend this condition to limit the working depth to 'No extraction shall take place below 164 metres a.o.d.

Planning Site History

- S/37770 PROPOSED RETENTION OF TOP SOIL, SUB SOIL STORAGE MOUNDS AND THE REMOVAL OF EXISTING OVERBURDEN MOUND
Full granted - 31/10/2018
- S/35971 DISCHARGE OF CONDITIONS 2, 24, 32 AND 34 ON S/19824 (PHASED WORKING PROGRAMME, DESIGN, ROUTE AND GRADIENT DETAILS, SOIL STORAGE MOUNDS AND RESTORATION PLANS)
Pending at time of writing
- S/32809 DISCHARGE OF CONDITION 25 (HEDGE BANK DETAILS) ATTACHED TO PLANNING PERMISSION S/19824
Full granted - 17/11/2015
- S/32751 DISCHARGE OF CONDITION 13 (WHEEL WASH DETAILS) ATTACHED TO PLANNING PERMISSION S/19824
Full granted - 17/11/2015
- S/32750 DISCHARGE OF CONDITION 12 (DRAINAGE DETAILS) ATTACHED TO PLANNING PERMISSION S/19824
Discharge of Planning Condition Granted - 17/11/2015
- S/19824 CONTINUATION OF USE OF LAND – EXTEND PLANNING PERMISSION C/21/97 CONDITION NUMBER 1
Full granted - 5/6/2009
- C/21/97 VARIATION OF CONDITIONS 1 & 2 ON PLANNING PERMISSION C5/301 TO EXTEND THE TIME PERIOD FOR THE EXTRACTION OF STONE AT: PENNANT QUARRY, FIVE ROADS
Planning Permission Refused - 11/3/1998
Appeal Granted (10 year extension) - 18/1/1999
- D5/13397 PLANNING PERMISSION FOR THE OPERATION OF A SMALL QUARRY
Full granted - 2/3/1992
- D5/11104 TEMPORARY SITING OF A RESIDENTIAL CARAVAN
Full granted - 15/5/1989

Planning Policy

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

SP1 Sustainable Places and Spaces
SP10 Sustainable Mineral Development

SP14 Protection and Enhancement of the Natural Environment
Policy GP1 Sustainability and High Quality Design
Policy GP2 Development Limits
Policy TR2 Location of Development – Transport Considerations
Policy TR3 Highways in Developments - Design Considerations
Policy EQ5 Corridors, Networks and Features of Distinctiveness
Policy EP2 Pollution
Policy MPP1 Mineral Proposals
Policy MPP2 Mineral Buffer Zones
Policy MPP6 Restoration and Aftercare of Mineral Sites

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.

Other relevant planning policy includes Minerals Technical Advice Note 1, the Regional Technical Statement (1st revision 2014), The Wellbeing of Future Generations Act (Wales) 2015, and the Environment (Wales) Act 2016.

Summary of Consultation Responses

Head of Transportation & Highways - No objections and numerous conditions suggested relating to tonnages, improvements to the access and additional signage leading to the site.

Head of Public Protection - No objections to the application, reminds the applicant that this does not prejudice any Environmental Health enforcement action required as a result of the proposals, therefore it is important that any development does comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990.

Llanelli Rural Community Council - no objections to the proposals but did request that development is carried out in compliance with the ecology report and previous conditions from S/19824 be retained. They also suggested a condition to ensure that lorries do not go past the school during certain times when school related traffic is likely to be at its busiest, suggested restrictions between 8:30 – 9:30am and 2:30 – 3:30pm

Local Member(s) - Councillor Jim Jones has not commented to date.

Natural Resources Wales – Sought clarification on working depth of the site and any impacts this might have on the water table and surface water drainage arrangements. This has been provided by the applicant and NRW have no objections to the development.

Ecologist – No comments received to date

Landscape Officer – No objections and has suggested numerous conditions relating to translocation of the hedgerow

Contaminated Land – No comments received to date

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

Summary of Public Representations

The application was the subject of publicity by way of letters to neighbouring properties and 2 site notices were erected, one at the site entrance and one at the kissing gate on the nearby public right of way.

19 representations were received (including a group letter for a select number of residents) all of which were objecting to the development, the matters raised are summarised as follows:

- Objection 1 - Highways – increased danger on the local highways network, increased risk around the school in Five Roads and the deterioration of road, movement of heavy plant on unsuitable roads
- Objection 2- Dust and noise levels and associated potential health impacts
- Objection 3 - Visual impact
- Objection 4 - Impact on the environment in general
- Objection 5 - The intensification of operations associated with a change in the nature of the operations from a dimension stone quarry to a more aggregates based quarry, more heavy plant needed.

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

Appraisal

After carefully reviewing the planning application, the policy background and from visiting the application site, it is considered that the principal issues are as follows:

Highways impacts

The existing road network is typical of a rural area and is mostly narrow with some sharp corners and high hedgerows. The proposed lorry routing would take lorries south on Herbedeg Road, joining Heol Hen, then continuing south to the cross roads at Five Roads, past the existing Junior school. There are numerous passing places along this route, some being overgrown due to a combination of limited use and limited maintenance.

Previous planning permissions at the site have limited the annual output of the quarry to 10,000 tonnes per annum, this application does not propose to increase the output of the site, which would remain at 10,000 tonnes per annum. According to the Transport Assessment 10,000 tonnes per annum would require approximately 35.84 tonnes of mineral leaving the site per day. This has been based on the assumption of 279 working days per annum (365 days a year minus 8 Bank and Public holidays minus 52 Sundays and 26 Saturdays).

Maintaining this level of output would result in approximately 4 HGV trips (2 in and 2 out) per day and approximately 16 light vehicle trips (8 in and 8 out). The light vehicle movements are based on members of staff and an estimated 2-3 visitors per day. The HGV movements have been based purely on the tonnage allowed per annum and the use of a typical 8 wheeled tipping truck, with a capacity of approx. 16-18 tonnes. Due to supply and demand and the changeable nature of the construction industry it will not always be 8 wheeled tipping trucks, sometimes there will be smaller lorries used so there could potentially be more lorry

movements per day. Conversely, during times of low demand there may be no HGV movements at all, but to take an average of 4 movements per day (2 in 2 out) as the TA has seems to be a reasonable approach. As the overall output of the site will be limited to 10,000 tonnes per annum, once this tonnage has been reached (following submission of records to the local planning authority) then no more material will leave the site, so if movements have been 'compressed' into a short period of time a period of no movements would follow.

It is difficult to impose a condition to limit daily/weekly movements as during times of demand this would limit the ability of the applicant to fulfil any contracts, when looking at the 6 tests for planning conditions the imposition of such a condition could be considered to be unreasonable. However, impacts on the road network also need to be considered and if any potential impacts from this method of operating are considered significant then the Authority could consider the imposition of such a condition. Having consulted with the highways department they have confirmed that they have no concerns with regard to the condition of the highways around the site and that there is no weight limit on the roads. The site has been operating for some time without conditions relating to daily HGV movements and, as highlighted by highways, there are no structural problems with the road that would give rise to concerns for the safety of users of the highway, despite the use of the road by quarry related traffic. The accident data submitted by the applicant shows that there have been no accidents between 2014-18, however, the Councils highways department has confirmed that 1 accident has been recorded during this period, on 19th March 2017 – at the junction to Heol Hen road, with Clos Y Parc, the accident was between 2 cars and was registered as slight in terms of severity. The lack of incidents on this stretch of road, during which time the quarry was operating, indicates that the continuation of quarry operations at the site should not result in any unacceptable risk to safety of highways users.

It is worth noting that there was a condition on the previous planning permission that required the operator to maintain records of their monthly output, and to make these available at the request of the Local Planning Authority. This planning condition helps to ensure that the operator does not increase output (and potential lorry movements) from the site without the knowledge of the Authority and information has been previously provided to the Authority by the current operator on request. This condition would be repeated if planning permission were to be granted for the extension of time.

It is proposed that the access to the quarry will be improved, hedgerows and trees will be cut back and maintained to allow a visibility splay of 44 metres (due to the downhill gradient) to the east and 34 metres to the west. The proposals have also incorporated a routeing plan which ensures that all HGV's will enter/leave the site and head along Herberdeg Road, south to Heol Hen and then to the junction at Five Roads. The previous condition with regard to sheeting lorries will remain and the use of the on-site wheel wash will also be conditioned to help ensure the condition of the roads are not affected by the quarry traffic.

Numerous concerns have been raised with regard to the lorries passing the school at Five Roads, in particular the speed at which these lorries have been driving past the school. As part of the planning permission for the school (S/32164) a 20 mph zone has been proposed (starting from the north-western edge of five roads down to the junction with the B4309). In combination with this the scheme approved for the school also includes the construction of a raised plateau in front of the entrance to the school. These two, in combination, will help to reduce HGV speeds going past the school and should also help to address some of the concerns raised in the objections received. Additionally, the operator has also agreed to a condition which will prevent HGV movements going through Five Roads during the peak times when parents are dropping off/picking up their children (although different to the hours

suggested in the response of the Llanelli Rural Authority) between the hours of 8:20 - 9:05 and 15:00 – 15:45. Traffic movements were observed before, during and after these time frames and showed that outside of these hours school related traffic was limited. Therefore, despite the suggested conditions by the Community Council, having carried out observations at the school the suggested hours are considered more suitable as opposed to the hours suggested by the Community Council (8:30-9:30 and 2:30-3:30). This would help to prevent potential blockages with wide vehicles going past the school at peak hours when there would be parents dropping of/picking up school children. During non-peak times the road by the school would not be as busy and there would be more space for lorries/cars to manoeuvre and allow each other to pass, without posing a risk to school children.

The highways department have been consulted on this application, and with the inclusion of the suggested condition (relating to the lorry movement times) and an agreement with the applicant that they will support the Authority during ad-hoc road improvement on the local road network, there has been no objection raised by the department. The highways authority have also suggested conditions relating to the requirement for the operator to notify the Local Planning Authority prior to the movement of heavy plant requiring over-sized vehicles, and the submission of a method statement to prevent any issues during these movements. In addition, the highways department have also requested that additional signage be installed in proximity to the site to help warn any oncoming traffic or turning vehicles/quarry entrance. Therefore, there are numerous conditions that can be imposed that would help to ensure that any impacts on highways in the area would be kept to a minimum, compliance with these conditions can be checked by the monitoring officer on during monitoring visits to the site (approximately 4 per year).

The overall movements generated by the development would be relatively small, (although as acknowledged above, potentially variable) and whilst it is acknowledged that the road network in the area is narrow, there is no weight limit on the roads and there are also adequate passing bays (as confirmed in the highways response). With the suggested improvements to the quarry access and the numerous additional conditions, detailed above, it is considered that the highways impact with regard to HGV movements would not be unacceptable. No increase in tonnages (over and above previously permitted levels) has been proposed and subject to the agreement with the applicant/operator some improvement works will be carried out, in conjunction with the council, on an ad-hoc basis and this will help to provide an improvement to the wider network in general. In light of this it is considered that the proposed development would not be in conflict with policies TR2 & TR3 of the Local Development Plan.

Landscape Visual Impact

There are no areas designated as important for landscape reasons in close proximity to the site, nor does the site fall in close proximity to any Special Landscape Areas – the Swiss Valley SLA boundary is approximately 2.4 kilometres to the south-east of the site. The Carmarthenshire Limestone Ridge SLA boundary is approximately 4 kilometres to the north-east of the site. Whilst there are no designated areas, or SLA's close to the site, a search of Landmap has shown that some elements of the landscape have been designated as areas of high value - including the following

- **Geological landscapes** – Cynheidre, Tumble, lowland escarpment evaluation: Moderate
- **Landscape habitats** – Carmarthen coalfield mosaic – evaluation: High

- **Visual and sensory landscapes** – Gwendraeth Valley, Mosaic Lowland Valleys, Evaluation: Moderate
- **Historic landscapes** – Bryn Bondini, irregular fieldscapes – evaluation: High
- **Cultural landscapes** – Gwendraeth Valley & Limestone Belt, Minerals & Mining (Evaluation: Moderate)

Taking the above into account there are some valuable landscapes in the vicinity of the site that could potentially be affected by the proposal, namely the geological and landscape habitats.

Turning to the characteristics of the local area surrounding the quarry, the site itself is located in a relatively isolated area and there are few visual receptors in close vicinity to the site that would have clear views into the site. The basin level and the screening provided by the surrounding topography (the site is situated just below the highpoint of the local topography to the north) and the vegetation (chiefly, the hedgerows which frame most of the site boundaries) help to minimise the potential for more localised visual impacts.

The site, does, however, sit in an elevated position that is quite prominent within the wider landscape. Longer range views of the site would be afforded from some settlements within the Gwendraeth valley area, for example from parts of Pontiets and Meinciau. However, given the overall scale of the views across this valley the prominence of the site would be limited, the site is small and the visual impact associated with these workings is not considered to be significant when taking into account the wider views as a whole. Also, following restoration at the site (with final restoration and aftercare details to be agreed) the visual prominence of the site would be reduced further. Roll over restoration of the quarry faces and planting of these areas would help to 'green up' the quarry faces and this would help the currently exposed rock faces to blend in with its surroundings.

There have been quarrying operations taking place here since approximately 1992 so the quarry operations have become part of the character of the wider landscape. The landmap search identified the cultural landscapes element of the area as being 'Gwendraeth Valley & Limestone Belt, Minerals & Mining.' Therefore, the presence of a quarry in this area would not be considered as an 'alien' feature within the wider landscape and quarrying forms part of the character of the landscape. The proposal seeks only an extension of time, and does not seek any lateral expansion to the site from when it was previously permitted, whilst the working face would be pushed in an easterly direction, (in accordance with planning permission S/19824) there would be no large scale expansion of this face from north-south, so the scale of the face would remain largely the same when viewed in the wider landscape.

Taking all of the above into account it is considered that, extending the life of the site by 10 years, and the continuation of operations at the site, in accordance with the submitted working plans, it is unlikely that there would be any additional visual impacts over and above any impacts currently caused by the quarry. As mentioned previously the current workings do not cause a significant impact on the wider landscape and given the above, allowing an extra 10 years for extraction at the site would not lead to any unacceptable impacts relating to visual impacts.

The Landbank

The most recent data within the South Wales Regional Aggregates Working Party report of 2018 confirms that the landbank situation is healthy for Carmarthenshire with over 50 years of supply in the landbank (based on both the 3 and 10 year average). The Regional

Technical Statement has also recognised the surplus of the hard rock landbank in Carmarthenshire and advised that no further allocations for hard rock quarry sites are required at this time. When the most recent RTS and SWRAWP were compiled the permitted reserves at this site were included within these surveys. So, whilst the landbank is adequate in Carmarthenshire the continuation of quarrying at Pennant would not add any additional minerals into the landbank, given that these reserves are already included.

In addition, this site provides Pennant stone, of which there is little in the County, the only other site producing similar stone being Foelfach (which is currently mothballed). Therefore, whilst the landbank is adequate, a large portion of Carmarthenshire's landbank is made up of limestone. There are a limited number of sandstone sites in Carmarthenshire, most of which are dormant or mothballed. The sandstone at Pennant would make a positive contribution to the landbank by improving the variety of stone available within the County. Different jobs require different specification and types of stone and in order to help with a sustainable minerals supply a varied supply of stone is crucial. Taking this into account the proposals are considered to make a positive contribution to the landbank in Carmarthenshire, and would not be in conflict with the aims and objectives of national and local policy (for example, policy SP10 of the LDP) with regard to landbanks as no additional reserve would be added. In addition, the fact that the quarry has remained in demand over recent years shows that there is a demand for this material for use in projects carried out by the site owners and further afield.

Residential Amenity, in particular Dust and noise

Quarry operations have the potential to generate noise, dust and vibration, all of which could have an impact on residential amenity in the area. The use of crushers/screeners, the excavation of material and the formation of stockpiles, in particular, all have the potential to generate noise, dust and vibration. Fugitive dust from the site could be deposited on neighbouring properties, and the noisy operations being carried out could also have the potential to be a nuisance for any neighbours in the vicinity of the quarry.

However, dust suppression measures were submitted in accordance with condition 16 of a previous permission in 2012 (before the requirement for a formal application to discharge conditions). The measures included for dust suppression are outlined below (not an exhaustive list):

- The use of pumps for water suppression from the onsite ponds.
- This water will be used for dampening excavation areas, the access road and any screening plant, as necessary.
- The vegetation of any soil stockpiles to help with wind entrainment which can exacerbate dust emissions from the site.
- The dampening down of the active quarry face in dry conditions, prior to mechanical extraction.
- Dampening down any long term storage piles and bunds during periods of dry weather.
- Dampening of the access and haul roads in dry weather.
- Enforcing a 5mph speed limit on site.
- Screening operations to be dampened down in periods of dry weather.
- Vehicle sheeting and wheel washing.
- A screening bund along the north western boundary of the site to provide some shelter from the wind.
- Any exhaust will point to the vertical.

- Ensuring equipment is well maintained in line with manufacturer's specifications whilst a scheme for the minimisation of dust has already been discharged, it has been agreed with the applicant that a new dust control scheme will be required (and enforced via pre-commencement condition) that will update the previous scheme and keep dust emissions from the site to a minimum. Some of these measures, for example, ensuring machines are well maintained and enforcing a 5mph speed limit on site would also help to keep noise generation to a minimum. In addition to this there are conditions relating to noise limits and noise minimisation on the previous planning permission, including the following conditions:

- 18) *Between the daytime hours of working specified in Condition 7 of this permission the noise levels arising from the development shall not exceed 55 dB LAeq, 1hr (freefield) as measured in relation to the façade of the dwelling 'New View.*
- 19) *All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.*

Condition 7 (referred to in condition 18) restricts working hours at the site to the following times,

- 7) *Unless otherwise agreed in writing, no excavation, processing or other operations on the site shall take place or materials be transported to or from the site outside the following times:-*

*0800 – 1700 hours on Monday – Friday;
0800 – 1300 hours on Saturdays;*

And at no time on Sundays or Bank Holidays.

Condition 18 of this previous permission will be updated to reflect the guidance in the MTAN 1 and this would read as follows

During the hours of work specified in Condition number 7 above, except for operations such as the construction and removal of soil / screening mounds referred to in Conditions 34-36 below, the free field noise levels attributable to operations involving the use of plant, machinery or other equipment on the developments site as measured at the boundary of the curtilage of any residential or noise-sensitive property shall not exceed background noise levels by more than 10 dB_{LAeq(1hour)}, or 55 dB_{LAeq(1hour)}, whichever is the lesser.

Outside of the hours of work specified in condition number 7 where maintenance, water pumping, servicing and environmental monitoring takes place, noise levels at the boundary of the curtilage of any residential or noise-sensitive property shall not exceed 42 dB_{LAeq(1 hour)}.

Furthermore, in line with the guidance mentioned above, a maximum noise level for temporary operations would also be included, as follows

Except at such locations and for such periods as may be approved in writing by the Local Planning Authority, the free-field noise levels attributable to the construction and removal of baffle mounds, topsoil / subsoil mounds in accordance with conditions

34-36 below, as measured at the boundary of the curtilage of any residential or noise-sensitive property, shall not exceed 67 dB_{L_{Aeq}(1 hour)} during the site operating hours as specified in condition 7. Such limits shall only apply for a maximum of 8 weeks per year, commencing from the date of this permission.

These conditions, (and a condition requiring an updated dust suppression scheme) would be carried forward onto any new planning permission and it is considered that these conditions and the new scheme would be adequate to ensure noise and dust emissions do not cause any adverse impacts on the surrounding neighbours. In addition to this, there are relatively few neighbours in close proximity to the site, the closest property being approximately 200 metres from the site, taken from the approximate position of the current working face. This property is north-west of the quarry. Also, the existing vegetation and landform (most of the equipment would be working close into the quarry void, rather than in the open) would help to reduce both noise and dust emissions. The environmental health team have been consulted on the application and have not raised any objections with regard to dust/air quality or noise potentially resulting from the proposed development. They have also confirmed that they have not received any complaints relating to dust in recent years, and four complaints for noise in total, none of which were substantiated as a statutory nuisance, see below

- May 2011 (machinery noise) not substantiated, no further action taken.
- August 2013 (machinery noise starting too early), not substantiated no further action taken.
- March 2017 (machinery noise) the matter was resolved informally as the quarry ceased operation for several months.
- April 2019 (machinery noise), not substantiated so no further action taken.

In light of this it is considered that the application would not be in conflict with policy EP2 or MPP1 of the LDP and any impacts relating to residential amenity would be kept to an acceptable minimum.

Biodiversity impacts

The applicant has submitted previous information with regard to ecology for planning permission S/37770 (with regard to the retention of stockpiles outside the site boundary and the movement of some of these stockpiles back within the site boundary) and has submitted additional information with this application to supplement this. An ecological enhancement and management plan has also been submitted with this application. This report has identified that the site supports nationally important habitat in the form of UK Biodiversity Action Plan Habitat *Purple Moor Grass and Rush Pasture* (as identified during the process for planning permission S/37770. The report also identifies an area of broadleaved woodland that may qualify as an *Upland Oakwood* Priority Habitat but this is small in size and does not support a typical species list for this habitat type. The area is surrounded by habitats mostly made up of a mixture of grasslands, woodland and scrub and hedgerows, these being currently, mostly overgrown and unmanaged.

Within the quarry itself there are limited habitats of importance, but with the submitted Ecological enhancement and management plan the site and its surrounding environs can be managed in a positive manner in order to help improve the chances for ecological enhancement in the area. Some of the measures identified in this plan include the following:

- Scrub management

- Access to the site for grazing
- Dormouse surveys
- Removal of woody scrub
- Reptile surveys
- Gapping up southern hedgerow boundary
- Hay spreading and nurse crop seeding
- Construction of a reptile hibernaculum
- Weed management, with particular attention to Japanese Knotweed

All of the above activities (including the others mentioned in the report) would be monitored over a 5 year period by an Ecological Clerk of Works (ECW) and these monitoring reports would be used to influence any future changes for management at the site.

Given the poor condition of the current site, it is unlikely that the proposed operations would have any impacts on the existing, limited, ecological features within the quarry site. The active management of the site and its surrounding habitat would help to improve the ecological features in the wider area and the potential for any important species to colonise the site. In light of this it is considered that the proposals would be positive, in terms of the management of the site and its surroundings, and would therefore be in accord with LDP policy EQ5. The proposals would also be in accord with the aims and objectives of the Environment Act, in that it would help to enhance the ecology of the area surrounding the quarry, which is currently in poor condition.

Other Matters

As mentioned previously numerous objections have been received, mostly relating to highways and issues related to the school, and these have been addressed in the highways section in this report. Other objections have mentioned, noise, dust and landscape and visual impact, again, these issues have been addressed in the relevant sections included in this report.

Other objections mentioned issues that have not yet been discussed, this includes:

The changing nature of operations at the site, objections have highlighted that the site was always anticipated to operate as a dimension stone quarry (i.e. potentially less disruptive and little or no crushing/screening operations) but operations have now intensified with crushers/screeners operating, and this has resulted in more significant impacts, particularly in relation to dust and noise etc. Whilst the quarry has been a dimension stone operation previously there have been no conditions attached to any of the planning permissions that limit the working to dimension stone only. The nature of operations at quarries frequently change as demand and markets will also change. Many quarries have numerous products, including asphalt, concrete, agricultural lime etc. and to limit a particular type of quarry to a specific type of product via condition would not meet the 6 tests laid down for planning conditions. Notwithstanding this, whilst the production of aggregates will involve the use of crushers and screeners there are conditions that have been applied to the site for some time to minimise impacts. As highlighted previously there have been few noise complaints, and no recently reported dust complaints (there is also a previously approved dust management plan that applies to the site and any new permission would require a new scheme) relating to the site. Conditions relating to working hours and specific noise levels can be carried forward onto any permission and this would help to ensure any impacts relating to the perceived intensification of operations would be kept to a minimum.

Another concern highlighted by numerous objectors was the safety of children at Five Roads school, the presence of additional HGV traffic could pose a risk to the safety of children and/or parents attending the school. Following further discussion between the highways department and the applicant it has been agreed that the travelling times of HGV's to/from the site will be restricted, with no HGV's travelling to site between the times of 8.20 to 9:05am and 15:00pm to 15:45pm. As mentioned previously, as part of the planning permission for the school the speed limits will be reduced to 20 miles per hour in proximity to the school and a raised plateau will also be constructed. Again, as mentioned previously the output of the site is relatively limited at 10,000 tonnes, although it is acknowledged that due to the nature of the industry (based on supply and demand) certain times can be busier than others, but this could then be preceded by a quiet period, with little to no movements. The site is visited approximately 4 time a year by a monitoring and enforcement officer (this can be more depending on if there are issues at the site, it can be up to 8 visits) where compliance with the planning conditions is checked. Condition 14 attached to the previous planning permission required the following:

A written record shall be maintained at the site office of all movements out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Local Planning Authority if requested and retained for a period of not less than one month.

The information required by this condition can, and is, requested by the monitoring officers and this allows the Authority to monitor the output of the site and ensure that the 10,000 tonnes per annum limit is not exceeded. This limit of 10,000 tonnes was deemed as an acceptable limit by the Planning Inspector in his decision in 1999, since then the alignment and condition of the roads has changed little, there are approximately 20 additional properties (many of which are off the main road and have parking spaces) in five roads but the traffic associated with this would be limited in relation to the quarry movements.

Another concern raised by objectors was the impact the passing of lorries may have on children and residents with regard to dust, noise and pollution. The output at the quarry is low and the regularity of these lorries would also be low so impacts relating to these lorries travelling past these properties would be relatively low. Although, as mentioned previously the intensification of lorry movements will be variable depending on supply and demand, but, due to the condition and the monitoring scheme mentioned above the output will not rise above 10,000 tonnes per annum. There is also a condition suggested by the highways department relating to ensuring any lorries leaving the site leave in a clean condition. In combination with this, the raised plateau and 20mph speed limit in proximity to the school would also help to reduce dust/noise as lorries will be forced to travel slower.

Planning Obligations

Not applicable

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 WBFG Act.

The Well-being of Future Generations Act (Wales) 2015 imposes a duty on public bodies to carry out sustainable development. Well-being goals identified in the Act are:

- **A prosperous Wales**
The development would make a positive contribution to this element of the Act as it would help to maintain employment at the site, and the stone supplied by this quarry would help to provide materials for the companies various civil engineering projects.
- **A resilient Wales**
The development would also make a contribution to a resilient Wales by improving economic resilience in the area through helping to maintain employment and by ensuring the economic and sustainable use of natural resources.
- **A healthier Wales**
The development may have the potential to have negative impacts on the physical and mental wellbeing of people in the area but it is considered that given the isolated location combined with mitigation measures these impacts would be negligible.
- **A more equal Wales**
This element of the Act is not applicable to this particular planning application.
- **A Wales of cohesive communities**
The development would not have a negative impact on the attractiveness, viability, security or connectedness of communities. The proposal includes landscaping measures (the existing bund) to help screen the development and minimise any visual impacts, which may have affected the attractiveness of the community.
- **A Wales of vibrant culture and thriving Welsh language, and**
This element of the Act would not be applicable to this particular planning application.
- **A globally responsible Wales**
The proposal would not be significant enough to have any impact at a global level.

Whilst some elements of the Act are not applicable, the development would make a positive contribution to most of the other elements of the Act, the only potential negative being the section relating to 'a healthier Wales'. However, as discussed, there are mitigation measures that can be carried out to help with dust suppression and ensure health impacts are kept to a minimum. On the whole the development would make a positive contribution towards the relevant elements of the Act, as detailed above, and would not be in conflict with the aims of the Act.

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the continuation of quarrying operations for a further 10 years would not cause significant negative impacts, to justify a refusal of the proposal. Whilst there would be potential impacts relating to the movement of HGV's associated with the quarry, these impacts have been examined in detail, and the highways department have been consulted and have not raised any objections to the application, it would therefore, be difficult to refuse the application

based on highway grounds. The impacts relating to dust and noise have been covered in more detail, and again, given the low number of complaints about the site to environmental health, and the lack of an objection to the application from environmental health there would be no grounds for refusal on this basis. There are a number of conditions attached to this report which would help to ensure any potential impacts are kept to an acceptable level (including a condition requiring an updated dust management scheme). Taking this into account the application is recommended for approval.

RECOMMENDATION – APPROVAL

Conditions

Duration

- 1 Extraction of minerals shall cease 10 years from the date of this permission and restoration shall be completed within 12 months of the cessation of quarrying operations on site, this shall include any buildings to which this permission relates, unless otherwise approved in writing by the Local Planning Authority.

Working programme phasing and direction of working

- 2 The development hereby permitted shall be carried out strictly in accordance with the following documents, unless amended by any following conditions
 - a) Traffic Management Plan, submitted to the Authority on 5/7/2019
 - b) Location Plan
 - c) Drawing titled, Phase 1, existing, dated 25/3/2019
 - d) Drawing titled, Phase 2, dated 25/3/2019
 - e) Drawing titled, Phase 3, dated 25/3/2019
 - f) Drawing titled, Phase 4, dated 25/3/2019
 - g) Drawing titled, Restoration Plan, dated 25/6/2019
 - h) Ecological Enhancement and Management Plan, March 2019
 - i) Habitat Assessment Update, 13/03/2019
 - j) Transport Assessment, 28/3/2019
- 3 A copy of this permission and the approved plans showing the method and direction of working and restoration shall be displayed in the operator's site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.

Restriction of Permitted Development rights

- 4 Notwithstanding the provisions of parts 19 and 21 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order)-
 - a) No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged or replaced without the prior written approval of the Local Planning Authority;

- b) Any such plant, buildings or machinery which are approved shall be removed from the site within 12 months from the cessation of extraction from the site

Production Limits

- 5 From the date of this permission the output of mineral from the site shall not exceed a level of 10,000 tonnes per annum
- 6 From the date of this permission the operators shall maintain records of their monthly output and shall make them available to the Local Planning Authority at any time upon request.

Hours of Working

- 7 Unless otherwise agreed in writing, no excavation, processing or other operations on the site shall take place or materials be transported to or from the site outside the following times:-
- a) 0800 – 1700 hours on Monday – Friday;
 - b) 0800 – 1300 hours on Saturdays;
 - c) And at no time on Sundays or Bank Holidays.

Depth of working

- 8 No extraction shall take place below 164 metres AOD.

Safeguarding Adjacent Land

- 9 No excavation shall take place closer than 5 metres to the limit of the planning permission shown outlined in red on the 1:2500 scale plan received on 29 August 2008.
- 10 All screen and storage bunds shall be formed only in positions which shall have been agreed in writing with the Local Planning Authority prior to formation.

Sheeting of lorries

- 11 No loaded vehicles shall leave the site unsheeted except those only carrying stone in excess of 500mm.

Drainage of Access

- 12 The drainage of the access to the site shall be carried out in compliance with the scheme approved under planning permission S/32750

Vehicle Cleaning

- 13 Any vehicles entering/exiting the site shall be treated in accordance with the details approved under planning permission S/32751

Lorry Movement

- 14 A written record shall be maintained at the site office of all movements out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Local Planning Authority if requested and retained for a period of not less than one month.
- 15 Prior to any use of the access by vehicular traffic, the visibility splays as shown on the 'Access Arrangements Visibility Splays' plan (SK01-2019-462) dated 08/10/2019 shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.
- 16 No development or site clearance shall take place until a method statement for the translocation of the existing hedge/ hedgerow(s) to achieve the visibility splays detailed at condition 15, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include an implementation programme and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 17 The hedge/ hedgerow(s) translocation method statement as submitted to discharge condition 16 shall be fully implemented prior to any use of the access by vehicular traffic, unless otherwise agreed in writing by the Local Planning Authority.
- 18 Any section of existing hedge/hedgerow translocated in accordance with the approved method statement which, (within five years of planting) is removed; dies; becomes diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the existing hedge/hedgerow(s) 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.
- 19 Except in an emergency or when otherwise approved in writing by the Local Planning Authority, during published school term times no HGV's shall access or egress the site during the following hours:
 - 08:20 hours to 09:05 hours, and;
 - 15:00 hours to 15:45 hours.
- 20 No development shall commence until a traffic management scheme detailing a road traffic signage strategy directing quarry related HGV's from the site as well as warning other road users of HGV's and quarry workings nearby, is submitted for the written approval of the Local Planning Authority and specification of the Local Highway Authority, thereafter the scheme shall be implemented in full and as agreed.
- 21 No vehicles shall enter the public highway unless their wheels and chassis are in a clean condition.
- 22 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.

- 23 No surface water from the development herewith approved shall be disposed of or connected into existing highway surface water drains.
- 24 No minerals shall be imported into the site for stockpiling or processing.
- 25 Prior to the movement of any heavy plant, or other oversize/abnormal loads into or from the site, the applicant shall inform the Local Planning Authority in writing (for each separate occasion). A method statement, designed to reduce any potential impacts on the road network shall be submitted for the approval of the Local Planning Authority (for each separate occasion). Any subsequent movement of such loads shall be carried out in accordance with the approved scheme.

Oversize loads are classified as vehicles exceeding 32 tonnes in weight (when fully laden) and/or consisting of more than 4 axles/8 wheels.

Dust

- 26 Prior to the commencement of development a scheme and programme of measures for the suppression of dust, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include inter alia:
- (a) The suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site;
 - (b) Dust suppression on haul roads, including speed limits;
 - (c) Provision for monitoring and review of the scheme

Such scheme shall be implemented and complied with at all times.

Blasting and Vibration

- 27 No blasting shall be carried out on the site unless previously agreed in writing with the Local Planning Authority.

Noise

- 28 During the hours of work specified in Condition number 7 above, except for operations such as the construction and removal of soil / screening mounds referred to in Conditions 42-45 below, the free field noise levels attributable to operations involving the use of plant, machinery or other equipment on the developments site as measured at the boundary of the curtilage of any residential or noise-sensitive property shall not exceed background noise levels by more than 10 dB_{LAeq(1hour)}, or 55 dB_{LAeq (1hour)}, whichever is the lesser.

Outside of the hours of work specified in condition number 7 where maintenance, water pumping, servicing and environmental monitoring takes place, noise levels at the boundary of the curtilage of any residential or noise-sensitive property shall not exceed 42 dB_{LAeq (1 hour)}.

- 29 Except at such locations and for such periods as may be approved in writing by the Local Planning Authority, the free-field noise levels attributable to the construction and removal of baffle mounds, topsoil / subsoil mounds in accordance with conditions 42-45 below, as measured at the boundary of the curtilage of any residential or noise-

sensitive property, shall not exceed 67 dB_LAeq(1 hour) during the site operating hours as specified in condition 7. Such limits shall only apply for a maximum of 8 weeks per year, commencing from the date of this permission.

- 30 If the Local Planning Authority receives a complaint about noise that it considers to be justified, the operator shall, within 28 days of the receipt of written request from the Local Planning Authority, submit a scheme for assessing the level of noise for the written approval of the Local Planning Authority. The scheme shall be implemented as approved. In the event that the noise level specified in Condition 28 and 29 is exceeded then the submitted scheme shall also include mitigation measures to ensure compliance with the noise level specified in Condition 28 and 29. The development shall then be undertaken in accordance with the approved details.
- 31 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.
- 32 The best practical means shall be used to minimise noise from reversing devices which are fitted to mobile plant and vehicles on site. This shall include the fitting of 'smart' alarms to vehicles.

Water protection and pollution

- 33 Any facilities for the storage of oils, fuels or chemicals on the application site shall be sited on impervious bases and surrounded by impervious bund walls or in proprietary double skinned tanks. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 34 Repair, maintenance and refuelling of plant and machinery shall where practical, only take place on an impervious surface drained to an interceptor.

Flood lighting

- 35 There shall be no floodlighting erected or used on the site without the written approval of the Local Planning Authority.

Protection of wildlife

- 36 No removal of trees or hedgerows shall take place between 1 March and 31 August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.
- 37 The result of monitoring work carried out by the Ecological Clerk of Works (ECW), as detailed in section 2.4 of the 'Ecological Enhancement and Management Plan' Dated March 2019, shall be submitted for review by the Local Planning Authority on

an annual basis, the first report shall be submitted within 12 months of the date of this permission.

Site Maintenance

- 38 **Within 3 months of the date of this permission**, details of the design, routes and gradient of haul roads within the site shall be provided to the written approval of the Local Planning Authority.
- 39 The access to the private road to Dan Y Quarry Farm shall remain stopped up, in accordance with the scheme approved under planning permission S/32809, for the duration of operations at the site.
- 40 All disturbed areas of the site and all topsoil, soil making material and overburden mounds shall be kept free from agricultural weeds (such as thistle, dock, Japanese Knotweed and ragwort), in accordance with a scheme of weed control which shall be submitted to and approved by the Local Planning Authority within **one month of the date of this permission**.
- 41 From the commencement of development until completion of aftercare, the operator shall maintain and make stock proof the perimeter hedges, fences and walls and protect the same from damage. Where the site boundary does not coincide with an existing hedge, fence or wall, the operator shall provide and maintain stock proof fencing until completion of aftercare.

Soil Stripping, handling and storage

General handling of soils

- 42 All topsoil within the excavation area shall be stripped to an average depth of 150mm. All subsoil within the excavation area above fractured rock shall be recovered. All topsoil and subsoil shall be stored separately in mounds and shall be used for restoration unless otherwise agreed in writing by the Local Planning Authority. No subsoil or topsoil shall be transported away from the site.
- 43 The stripping of topsoil and subsoil shall only be carried out when the soil is in a friable condition and not when the upper 25cm of soil is either plastic or wet or where there are pools of water on the soil surface.
- 44 The Local Planning Authority shall be given 48 hours' notice of any soil stripping operations.
- 45 Soil storage mounds shall be located to ensure secure storage without loss or contamination and shall be seeded to grass at the earliest opportunity and maintained thereafter in accordance with good management practice.
- 46 **Within 1 month** of the permitted formation of any soil storage mounds, the location of each mound, the type and quantity of material in it shall be recorded and the information submitted to the Local Planning Authority.
- 47 The top surface of all tips, soil mounds and storage mounds shall be sloped at suitable gradient to encourage surface water drainage and prevent ponding and erosion. The

max height of all soil storage mounds shall not exceed 3m for topsoil and 4m for subsoil.

Reclamation

- 48 Notwithstanding the details hereby approved, **within 24 months of the date of this permission** a scheme and plans for the restoration of the site by the replacement of overburden and soils shall be submitted for the written approval of the Local Planning Authority. The scheme shall include the following provisions:-
- a) Details of the final contours, levels, and soil depths.
 - b) Provision for the scheme to be undertaken progressively in agreed phases

The scheme shall include provision for restoration of existing areas already excavated in accordance with an agreed timescale, and thereafter shall proceed in conjunction with the progress of new excavation.

- 49 The replacement of subsoil and any soil making materials shall be undertaken in separate layers to a total thickness to be agreed as part of condition 42 and each layer shall be ripped or cross-ripped to provide a level surface to receive topsoil. Any obstructions or compaction capable of impeding normal agricultural and land drainage operations shall be removed.
- 50 The replacement of topsoil shall not commence until the Local Planning Authority has confirmed in writing that the replacement of overburden and subsoils have been completed satisfactorily. The authority shall be given at least 2 working days notice of the completion in order that they may inspect the works.
- 51 The nature, timing and content of the cropping pattern to be adopted over the aftercare period to put the land down to grass
- a) Range of cultivations to be undertaken.
 - b) Any remedial treatments, such as stone picking, and any secondary treatments such as moling and subsoiling.
 - c) Measures for improving soil fertility, such as fertilisers and lime application, based on soil sampling and analysis; and for the control of weeds.
 - d) Grassland management and cutting, and any grazing regime for livestock.
 - e) Design and plans of drainage systems to control surface water run-off and prevent erosion; and any necessary piped under-drainage system suitable for restoration of the land.
 - f) Surface features, tree screen planting and other landscaping, including the location of new boundary fences or hedges, access roads, and water supply to the site.

Aftercare

- 52 A detailed annual programme shall be prepared by the operator for each year of the aftercare strategy which will contain detailed prescriptions for each of the steps set out in the outline strategy. The first year's management programme shall be submitted within 12 months of the satisfactory completion of restoration.

- 53 The annual programme will be discussed at a site management meeting to be held at least once a year with the person (s) responsible for the aftercare and representatives of the Local Planning Authority to review operations which have taken place on the land during the previous year and to approve the programme of management to be undertaken in the ensuing year.
- 54 The date of the site management meeting shall be agreed in advance with the minerals planning authority and the annual programme shall be circulated at least 1 month before that date. At least 4 weeks before the agreed date of the meeting the operator shall provide the Local Planning Authority with a record of the management and operations carried out on the land during the review period.
- 55 All aftercare operations shall be carried out in accordance with the annual programme or any amendment approved in writing by the minerals planning authority.

Reasons

- 1 The development is of a type not considered suitable for permanent retention.
- 2 In accordance with the submitted plans
- 3 For the avoidance of doubt and in the interests of conserving the amenity of the area and to ensure a satisfactory standard of reclamation compatible with the surrounding area.
- 4, 27 To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular.
- 5-6 In order that the Local Planning Authority can monitor the output of the site.
- 7 To safeguard the amenity of local residents and adjacent properties and land users.
- 8 In order to minimise the risks to groundwater resources.
- 9 So that the development is contained within its permitted boundaries to avoid effects on surrounding land and to avoid affecting the restoration or subsequent afteruse of the site.
- 10 To minimise the risk of flooding elsewhere.
- 11,13 In the interest of highway safety and safeguarding the local environment.
- 12 In the interests of highway safety and to prevent water getting onto the highway.
- 13 In the interests of public and highway safety and to conserve the amenity of the area.
- 14 To enable the Local Planning Authority to monitor the operations.
- 15-18 In the interests of highway safety
- 19 In the interest of highway safety, amenity and to prevent such movements when school children are likely to be travelling or walking to and from school.

- 18-23 To safeguard the amenity of nearby residents and landowners and to minimise impacts on the highways network
- 24, 25 To protect the amenities of local residents.
- 26-32 To ensure minimum disturbance from operations and avoidance of nuisance to the local community.
- 33-34 To prevent pollution of the water environment.
- 35 To minimise the nuisance and disturbances to neighbours and the surrounding area.
- 36 To ensure breeding birds are not disturbed by removal of habitat.
- 37 To ensure ecological benefit at the site and to allow the Local Authority to monitor this progress
- 38 To enable the Authority to monitor progress at the site
- 39 In compliance with the approved scheme
- 40 To prevent a build-up of harmful weed seeds in soils that may be used for the restoration of the site.
- 41 To protect the welfare of livestock kept within the permitted site and on adjoining agricultural land.
- 42-45 To prevent damage to soils.
- 46-47 In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area.
- 48-51 To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial after use and in the interests of the amenity of the surrounding area.
- 52-55 To ensure a satisfactory aftercare period

Notes

- 1 The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.
- 2 Condition 15 above requires the removal/lowering/translocation of the adjacent boundary hedgerows/trees vegetation beyond the agreed visibility splay. Therefore it is advised that the authority's Ecology Department is consulted upon for their views on the required works.
- 3 It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

- 4 Without prior consent from the Sustainable Drainage Approval Body (SAB) no surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains/systems.
- 5 Works relating to the requirements of conditions 16 -18 shall be carried out in accordance with the advice within the best practice guidance provided by the Authority '*Translocation of hedgerows, a best practice guide*' dated Feb 2001.

Application No	S/38805
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Application Type	Variation of Planning Condition(s)
Proposal & Location	VARIATION OF CONDITION 4 OF PLANNING PERMISSION S/11960 (TO ENABLE SALE OF FOOD AND DRINK FROM UNIT 2A) AT TK MAXX, 2A PARC TROSTRE RETAIL PARK, LLANELLI, SA14 9UY

Applicant(s)	M&G REAL ESTATE LTD - MR S GWILLIAM, C/O AGENT
Agent	WYG PLANNING AND ENVIRONMENT, 5TH FLOOR LONGCROSS COURT, 47 NEWPORT ROAD, CARDIFF, CF24 0AD
Case Officer	Robert Davies
Ward	Bigyn
Date of validation	03/05/2019

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 application site consists of the existing TK Maxx store at Trostre Retail Park in Llanelli. The store which is flanked by Tesco on the one side and Outfit on the other currently has retail floorspace over two floors with an almost full cover mezzanine at first floor. The current total retail floorspace is circa 2,800 sqm (1400 sqm on both floors).

Proposal

The application is a Section 73 application to vary condition 4 of planning permission S/11960 to enable the sale of food and drink from the unit via a Limited Assorted Discount (LAD) supermarket. Whilst there is no named LAD operator according to the applicant the submission is in light of known operator demand for a new store on the eastern side of the town.

Condition 4 of S/11960 originally read as follows:-

'The retail units hereby permitted shall be used for the retail sale of non food goods only'

This was subsequently amended by S/16283 to allow for ancillary cafes:-

'The retail units hereby permitted shall be used for the retail sale of non food goods only. This restriction is not intended to apply to any ancillary coffee shop or cafeteria'

As aforementioned the existing TK Maxx store operates with a near full cover mezzanine at present, whilst the nature of the existing retail use relates to comparison goods. The proposal is to provide a foodstore of circa 1400 sqm at ground floor with a smaller 393 sqm mezzanine floor for staff facilities, resulting in a reduction of retail floorspace of circa 1007 sqm. The proposed LAD operator will trade with a food/non food split of around 80:20.

The submission states that this interest in general terms from LAD operators coincides with a period of anticipated retailer transition at the retail park, and this facilitates an opportunity to introduce new retailers to the retail park, and to relocate existing ones to suitable premises. In this respect It is proposed to relocate TK Maxx to another unit on the Retail Park in one of the units which is anticipated to be vacant within the near future. Notwithstanding the fact that TK Maxx will be relocated, it is important to note that it is within the applicant's control to take possession of the unit in a short timescale, and so the unit is unquestionably available for the proposed use.

The application submission has been accompanied by the following supporting information:-

- Transport Statement and associated addendum informed by parking surveys
- Retail Impact Assessment and response to retail critique

For Members information, inclusive of this application, the LPA is currently dealing with three pending planning applications for LAD related proposals in the Trostre and Pemberton areas. As aforementioned this application relates to an existing well established retail unit, whilst the other two are new build developments.

Planning Site History

S/16657	SHOP SIGN, HANGING SIGN Advertisement granted - 26/07/2007
S/16283	VARIATION OF CONDITION 4 ATTACHED TO PLANNING PERMISSION S/11960 TO ENABLE ANCILLARY COFFEE SHOP/CAFETERIA VARIATION OF PLANNING CONDITION Granted - 25/06/2007
S/14590	VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION S/11960, S/14128 - SUBSTITUTION OF REVISED PLANS VARIATION OF PLANNING CONDITION Granted - 8/11/2006
S/14128	VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION S/11960 - SUBSTITUTION OF REVISED PLANS VARIATION OF PLANNING Condition granted - 28/09/2006
S/13274	VARIATION OF CONDITION NO. 4 ATTACHED TO PLANNING PERMISSION S/11960 Withdrawn - 05/06/2006

S/13273	VARIATION OF CONDITION NO. 3 ATTACHED TO PLANNING PERMISSION S/11960 VARIATION OF PLANNING CONDITION Granted - 21/07/2006 UU
S/11960	REDEVELOPMENT OF EXISTING FOCUS UNIT TO PROVIDE NEW RETAIL UNITS AND ALTERATIONS TO REAR SERVICING Full granted - 20/04/2006 UU
S/07192	ALTERATIONS TO EXISTING ELEVATIONS, CAR PARKING AND PAVING AREAS Full granted -21/07/2004
LL/03410	OUTLINE APPLICATION FOR ADDITIONAL RETAIL FLOORSPACE, RECONFIGURED ACCESS ARRANGEMENTS & CAR PARKING Outline granted -16/10/2003 UU
D5/8663	INDUSTRIAL DEVELOPMENT Full granted - 18/07/1985
D5/8662	INDUSTRIAL/RETAIL DEVELOPMENT Full granted -18/07/1985

Planning Policy

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

SP1 Sustainable Places and Spaces
 SP2 Climate Change
 SP3 Sustainable Distribution – Settlement Framework
 SP8 Retail
 SP9 Transportation
 SP14 Protection and Enhancement of the Natural Environment
 GP1 Sustainability and High Quality Design
 GP2 Development Limits
 GP4 Infrastructure and New Development
 EMP2 New Employment Proposals
 RT1 Retail Hierarchy
 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

[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 – No response received to date.

Local Members – Cllrs J Edmunds and E Morgan have not responded to date

Head of Highways – No objection subject to conditions.

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

Summary of Public Representations

Three adjacent retail units have been consulted on the application. To date three letters of representation have been received raising the following concerns and objections:-

- TK Maxx have not agreed to relocate elsewhere within the retail park. TK Maxx occupies the premises on a flexible lease basis which allows the landlord to terminate the lease on 6 months notice. If planning permission is granted then it is likely that this lease will be more than likely terminated without suitable alternatives being available. TK Maxx have been offered one relocation option by the landlord which they are unable to proceed with given the high capital expenditure and rental aspirations of the landlord. Therefore as a result it is likely that TK Maxx will cease trading in Llanelli.
- The application is purely speculative – Aldi have committed to another site at Trostre which is subject to a separate pending planning application whilst agents on behalf of Lidl have stated that the indicative store layout is not suitable for a LAD's specific operational requirements.
- Regional Centres (Retail Parks) are excluded from the retail hierarchy and therefore the proposal represents an out of centre retail proposal.
- Regional Centres (Retail Parks) are only sequentially preferable where the proposal relates to a retail warehouse (Policy RT9 refers). The proposal is not a retail warehouse and therefore the sequential approach should be in line with PPW10 and TAN4. The application site should therefore be given the same status as the Aldi application site.
- There is a finite capacity for convenience retail floorspace in Llanelli, which indicates a need for a single new discount foodstore only. The LPA will need to consider the merits of the two competing proposals and the degree to which they would assist with the delivery of the LDP. In this respect it is contested that the Aldi proposal has many more benefits in terms of a brand new build store; facilitating future development; job creation. The planning balance therefore weighs heavily in favour of the Aldi proposal.
- The compromised size and internal configuration of the application site would render it unsuitable for modern LAD requirements.
- There is a lack of car parking capacity for a new LAD store and no dedicated parking in close proximity to the store.
- The retail park location faces a car park and is not prominent enough of a location for a LAD. They usually require stand alone locations.
- Older LAD stores on retail parks are unable to be stocked and serviced efficiently. Such retail park units do not offer enough flexibility for LAD stores.
- If planning permission is granted for a LAD store in this unit then it is likely that the planning permission would remain unimplemented, representing a food retail commitment that would impact the ability of future potential suitable sites and premises obtaining such permission. If planning permission is granted then the timeframe to implement it should be reduced in order to limit the detrimental impact on other more

viable proposals in the future in the interest of increasing choice, competition and inward investment.

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

Appraisal

The LPA considers that the main considerations in the determination of this planning are matters relating to retail planning policy and highways/parking. As aforementioned, three letters of representation have been received objecting to the application on retail and parking grounds. The matters raised will be addressed in this section of the report.

Retail Policy Considerations

Applicant's Case

Whilst there is no mandatory requirement for a development of this scale to be accompanied by a Retail Impact Assessment (RIA), the application was nevertheless originally accompanied by an RIA. The Agent also submitted subsequent correspondence in response to the critique from G L Hearn who were commissioned by the LPA to advise on retail policy matters, and also in response to the objection letters received.

The RIA states that the proposal is to meet LAD operator demand for a new superstore on the eastern side of the town in light of the growth in market share of LAD's in recent years. The RIA emphasises the sustainability credentials of the application site, being an existing unit located within a well-established retail park, accessible by a variety of transport means.

The Agent has confirmed that discussions with a LAD operator had advanced to a stage last year where Heads of Terms to lease the unit had been drawn up. The detailed internal layout plan for a LAD store included within the RIA was as a result of these discussions. Therefore the applicant contests that the Unit and its location is suitable for a LAD operator. Whilst the Agent acknowledges that the unit may not be a LAD's preference, LAD's do operate stores with mezzanine floors and shared car parks elsewhere therefore to discount the site on this ground is not demonstrating flexibility in terms of the sequential approach. The Agent argues that no weight should be afforded to the commercial preferences of retailers and instead the planning application should only be assessed against national planning policy considerations. The Agent opines that such commercial preferences and considerations are fluid and can change over time.

The Agent states that the future relocation of TK Maxx is not a material planning consideration in the determination of this application as the landlord has the option to break the lease on a six month notice period. The applicant is nevertheless confident that ample opportunity and time exist to relocate TK Maxx within the retail park once there is certainty regarding the future of Unit 2a.

The RIA emphasises the job creation and economic development implications of the proposed development.

Reference is drawn to the LPA's most recent Retail Study Update (RSU) in 2015. Whilst this did not identify a quantitative need for any further convenience floorspace in Llanelli, the RSU acknowledges the increasing popularity of LAD stores, and the possible expansion of such stores in areas where there is limited provision.

Before going on to assess the relevant retail tests in terms of need, sequential approach and impact, the RIA provides an analysis of the vitality and viability of Llanelli town centre relevant to the proposal. In terms of the convenience offer in town this is mainly provided by Asda which adopts an important anchor role, Iceland and other independents. Aldi occupies an edge of town centre position. The RIA states that retail provision within the town centre is below the national average and vacancy rates above, which it opines is down to a range of long standing factors. The market is considered to be positive along with the efforts made through the Task Force to reduce vacancies. The RIA emphasises that from a town centre impact perspective the proposal at the existing TK Maxx unit will result in both the reduction of total floorspace, and will also replace comparison floorspace with convenience.

Need

The RIA does not assess the comparison need as the comparison floorspace already exists and this will in fact be reduced if the proposed development is approved and implemented.

As aforementioned the RIA acknowledges the absence of evidence to justify quantitative need and therefore emphasises the qualitative need for a new LAD store in light of the extent of overtrading at existing LAD stores in Llanelli. The RIA states that the benchmark turnover of the Lidl store in Llanelli in 2015 was £4.17m but convenience turnover in 2016 was £7.42m and expected to be £7.98m in 2021. The benchmark turnover of the Aldi store in Llanelli in 2015 was £5.52m but the convenience turnover in 2016 was £14.12m and expected to be £15.18m in 2021. Therefore the combined overtrading of Aldi and Lidl in 2016 is £11.86m and £13.47m in 2021.

The scale of overtrading in the LAD sector in Llanelli is such that the existing LAD stores trade at a combined turnover of almost double company average levels, suggesting that potentially more than one additional LAD would be required to address overtrading, particularly given the overtrading is in reality, almost certainly now higher given national market share changes over the past four years.

It is argued that the above levels of overtrading result in operational challenges for the existing LAD stores which potentially forces shoppers elsewhere thus encouraging unsustainable shopping patterns. Therefore it is contested that the proposed development will “assist in the alleviation of overtrading” which is one of the qualitative need indicators referred to in PPW. In addition to this it is argued that the proposed development is in an accessible location within the retail park; benefits from co-location; and will address the deficiency of a LAD store on the eastern side of the town.

The Agent draws reference to the Council’s own Retail Study 2015 which specifically refers to the increasing popularity of LAD’s. Since then there has been massive growth in market share of LAD’s. The fact that there are three pending applications for similar retail developments out in the Trostre area at the moment in itself evidences the demand from LAD’s in the Agent’s opinion.

Sequential Test

In addressing the sequential test, the RIA refers to caselaw on disaggregation which established that whilst adopting a degree of flexibility, the scheme as proposed must fit a site and not be changed significantly to fit an alternative site. In this instance the retail unit is existing and the proposal is for one 1700 sqm LAD store, which cannot be broken up into

smaller units. The RIA states that most units within the town centre are too small. Whilst 10-12 Vaughan Street is large enough in terms of floorspace, it is contested that it is not wide enough for a standard LAD layout, and in addition there is no parking provision immediately adjacent. Since the planning application was submitted, the LPA can confirm that 10-12 Stepney Street has been re-occupied.

The Agent contests that Parc Trostre is sequentially preferable to other out of centre sites by virtue of Policy RT9 of the LDP as the proposal in their opinion relates to a retail warehouse.

Even if the LPA does not consider the proposal to be a retail warehouse and thus categorise the application site as an 'out-of-centre' site, it should nevertheless be afforded preference to greenfield out of centre sites following the advice in TAN4 paragraph 7.1 which states:

"where out-of-centre sites are concerned, preference should be given to brownfield sites which are or will be served by a choice of means of transport and are close to an established retail and commercial centre".

In response to objections received from LAD operators highlighting commercial preferences in terms of site selection, the Agent draws reference to Mansfield (Aldergate Properties Limited and Mansfield District Council and Regal Sherwood Oaks Limited; CO/6256/2015; 8 July 2016) which confirmed that when considering alternative sites a 'fascia blind' approach should be taken, meaning the consideration should be for the "broad type of development which is proposed in the application by approximate size, type and range of goods", in order to exclude "the identify and personal or corporate attitudes of an individual retailer".

The Agent states that it would therefore be an error, and potentially unlawful to place any reliance on statements of intent from particular retailers rather than rely on Planning Policy and material considerations.

The RIA concludes therefore that there are no sequentially preferable town centre or edge of centre sites appropriate for the proposed development, which is considered to represent a sustainable form of development that can benefit from co-location and linked trips.

Impact

Again reference is drawn to the fact that there is a reduction in retail floorspace proposed whilst the existing comparison floorspace, which is normally the type of retail floorspace that is in direct competition with the town centre is being largely removed. As such this reduces potential comparison goods impact.

The RIA states that there are no existing, committed or planned convenience proposals in the town centre that would be impacted by the proposed development. The RIA opines that the impact will be predominantly "like for like" with other LAD and foodstores, with the main impact envisaged to be upon the existing Aldi, Lidl, Tesco and Morrisons, none of which are afforded protection in planning policy terms.

Trade draw will be diverted from nearby superstores but also from existing LAD's thereby relieving issues associated with overtrading. Therefore "assisting in the alleviation of overtrading" which is one of the qualitative need indicators referred to in PPW. The existing LAD's in Llanelli combined trade at nearly twice company average levels.

The proposed benchmark turnover of the new store is expected to be £11.6m in 2021. In terms of trade draw, the RIA estimates that the largest single impact will be upon Tesco with 28% of the stores turnover diverted from this store. 25% will be diverted from the existing Aldi which is significantly overtrading, and less from the existing Lidl. 5% of the store's turnover is expected to be diverted from Asda.

The existing Asda store is within the defined town centre and is therefore afforded protection in terms of planning policy. In terms of the impact on Asda, the solus impact upon Asda from the proposed development is considered to be 2%. The RIA opines that the existing Asda store which has an anchor role in the town centre is trading well within acceptable levels and therefore a 2% impact is not considered significant in that respect. There are already existing LAD stores in close proximity to Asda.

The solus impacts on Lidl is estimated to be 22%; Aldi 18%; Tesco 12% and Morrisons 5%. This level of impact and trade diversion is not considered to be significantly harmful according to the RIA, whilst as aforementioned, with the exception of Asda, the other superstores are not afforded planning policy protection.

The RIA has considered the cumulative impact with the consented, but yet implemented scheme at the Pizza Hut in Trostre, however opines that there is no adverse cumulative impact as that development was largely smaller A1 and A3 units.

LPA's Assessment

The LPA has sought independent advice from retail consultants G L Hearn (GLH) on the proposed development. They have provided advice upon the original RIA and subsequent correspondence from the applicant's agent.

GLH acknowledge that if approved and implemented, the proposed development will significantly reduce comparison goods floorspace and therefore conclude from the outset that the main considerations in relation to the retail tests as outlined in Section 4.3 of PPW and TAN4 relates to the proposed convenience floorspace.

Need

PPW advises that there is a requirement to establish "need" in first instance for any such out of centre proposal. Para 4.3.15 of PPW gives precedence for quantitative need (expenditure, capacity) before qualitative need (retail quality, range of goods or accessibility) however the paragraph states that "need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative".

In terms of quantitative need, and in pure expenditure capacity terms, the 2015 RSU concluded that there was no convenience goods capacity for Llanelli/Parc Trostre and Parc Pemberton retail parks to 2021. However GLH state that the 2015 RSU did acknowledge a potential qualitative need for additional LAD stores in Llanelli. GLH also acknowledge the pattern of increased market share of LAD's since 2015 and opine that any updated survey of this nature would be favour the quantitative and qualitative need aspects.

GLH are of the opinion that the needs expectation of PPW 10 should be capable of being satisfied by either quantitative or qualitative need. In respect of qualitative need GLH advise

that it is up to the LPA how much weight it affords qualitative need aspects in the overall balance in making a decision on the planning application.

Sections 6.6 and 6.7 of TAN4 defines what constitutes qualitative need, along with Paragraph 4.3.16 of PPW which reads as follows:-

4.3.16 Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;
- is highly accessible by walking, cycling or public transport;
- contributes to a substantial reduction in car journeys;
- contributes to the co-location of facilities in existing retail and commercial centres;
- significantly contributes to the vibrancy, attractiveness and viability of such a centre;
- assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;
- addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it;
- alleviates a lack of convenience goods provision in a disadvantaged area.

GLH agree that the existing LAD stores in Llanelli were overtrading in 2016 and as aforementioned agree that the market shares of these would have continued to increase since then. They also agree that the degree of overtrading in terms of turnover is likely to support additional LAD stores operating at average LAD benchmark trading levels.

The LPA is aware that overtrading is causing problems at the existing LAD stores in Llanelli with busy car parks, especially the town centre Aldi store, and lengthy till queues at both Lidl and Aldi.

Whilst GLH opine that the number of pending applications for additional LAD stores in the Trostre and Pemberton areas is not definitive proof of the need for additional LAD stores, it is nevertheless a contributing factor.

In referring to the objections received that the TK Maxx unit is not suitable for a LAD operator, GLH agree with the principle that a 'fascia blind' approach should be adopted. The need identified is for a LAD store, and GLH opine that it would not be particularly robust proposition to claim that the need can only be met by Aldi or Lidl.

In concluding on the needs test, GLH opine that on balance it would be difficult to defend an appeal based on a 'lack of need' case, particularly given the LDP's recognition of need for discount store(s). GLH agree therefore with the Agent that the Council needs to take a pragmatic view, and in this respect GLH's recommendation would be to not resist on 'need' grounds. GLH do however advise that as the need identified is linked specifically to a LAD store, then it would be reasonable for the LPA to impose relevant conditions in this respect.

Sequential Test

The LPA disagrees with the agent on the retail warehouse point. The LPA considers that the proposed LAD store is not considered to be a retail warehouse and therefore the application site is not afforded any sequential priority by virtue of Policy RT9 of the LDP in the LPA's opinion, which only relates to new retail warehouse proposals.

GLH advise that Regional Centres (Retail Parks) fall outside of the defined retail hierarchy, and cannot therefore be considered a 'centre' for the purposes of the application of the sequential approach. They go on to advise that the location of the application site within retail park in itself is insufficient to demonstrate accordance with the sequential approach. The retail park should be considered as an out of centre location for proposals that are not retail warehouses. In adopting the sequential approach as referred to in Paragraph 7.1 of TAN (below) the LPA has considered the proposal as an out of centre development.

Paragraph 7.1 of TAN4 "The sequential location of development plan allocations or planning applications should be considered in the following order:

Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available. Where this relates to a development plan allocation, they must be available for development within the plan period. Local planning authorities should ensure that any development plan allocation or planning application is of an appropriate scale in relation to the role and function of the centre.

If no suitable sites are available in retail and commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.

Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out-of-centre options within, and then outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre."

The LPA, following consideration of the evidence provided by the applicant and the responses received from GLH, are satisfied that there are no suitable town or edge of centre sites for the development proposed.

The development relates to an existing well established retail unit within a well established retail park. In this respect considering its brownfield status accessible by a variety of transport means, GLH accept that the site is more sequentially preferable to other out of centre sites.

Impact

In terms of impact, GLH agree with the approach taken that "like competes with like". They also advise that with the exception of the town centre Asda store, none of the other superstores referred to are offered any protection in planning policy terms.

Whilst GLH advise that any impact on Asda may have knock on effects in terms of linked trips and footfall within the town centre, they do not consider that the identified 2% impact can be considered sufficiently significant to justify refusing the application on impact grounds.

In terms of cumulative impact, there are no other committed developments to consider. The other two applications referred to earlier in this report are still pending determination by the LPA.

In terms of potential impact on the retail aspirations for Burry Port harbour as identified within the LDP, again there is no current committed development to consider. The previous planning permission for a retail store at Burry Port has now lapsed. The agent has addressed the Burry Port matter in supplementary information by referring to spending patterns and likely catchments for any proposed Burry Port retail proposal. In this respect GLH advise that there is no justifiable reason to refuse planning permission on the basis of any impact on LDP retail aspirations for Burry Port.

On the basis of the retail policy context and assessment of all the retail evidence now provided in this application, GLH consider that a refusal on retail policy grounds would be difficult to sustain and would have potential to be overturned at appeal. They do however advise that should the LPA be minded to approve the application that suitable conditions are imposed to ensure that the resultant use of Unit 2a is in line with the LAD trading format that the applicant's retail need, sequential and impact evidence is reliant upon.

Highways

In relation to highway matters, as aforementioned the planning application was accompanied by a Transport Statement and associated addendum informed by parking surveys. This information has been assessed by the Authority's Highways division.

The existing retail park currently consists of approximately 34 retail units with a total gross internal floor area of 38,487 sqm which includes various mezzanine levels which equates to 13,717 square metres of retail space. Parc Trostre Retail Park has a total of 1,041 car parking spaces.

Unit 2A on the Retail Park is currently occupied by TK Maxx and its current floor area is approximately 1,400 square metres at ground floor with a full cover mezzanine. This equates to a total floor area of approximately 2,800 square metres. The unit benefits from open non-food planning permission.

As part of the current proposal to accommodate a LAD, the unit will be modified as part of the proposals and will result in the unit having a floor area of approximately 1,400 square metres at ground floor level, with a mezzanine comprising around 393 square metres. This equates to a total floor area of around 1,793 square metres.

No changes to the existing car park are proposed and servicing of the unit will continue to take place as it does at present to the rear of the building.

Given the nature of the proposal, the highways and transportation appraisal by the Authority's Highways division focussed on the potential traffic and parking impact of the development.

In terms of trip generation, in order to establish the number of trips that the existing non-food retail unit generates, the TRICS database has been interrogated for the 'Retail – Retail Parks Excluding Food' range of sites. The existing non-food retail unit development is shown to generate a two-way total of approximately 104 trips in the weekday PM peak hour and around 94 trips in the Saturday peak hour.

In order to establish the number of trips which the proposed development is forecast to generate the TRICS database has been used for the 'Retail – Retail Parks Including Food'

range of sites. The proposed discount foodstore is forecast to generate a two way total of approximately 128 trips in the PM peak hour and around 112 trips in the Saturday peak hour.

The forecast increases in trips associated with proposed change to food sales is not considered to be significant by the Authority's Highways division.

Further sensitivity assessments were submitted by the applicant's Transport Consultants during the course of the planning application process following a request from the Highways division. The sensitivity analysis compared the impact of a standalone discount food store (to reflect the proposed development) compared to a standalone non food retail unit (to reflect existing situation) for the busier Saturday peak period. Whilst the analysis presented forecast increased trip generation for both scenarios, the analysis confirmed that the increase in trips associated with the proposed development would be negligible.

In terms of parking, based upon the CSS Wales Parking Standards the following number of parking spaces is required for the existing and proposed retail unit:

- TK Maxx (Supermarkets and Superstores > 2000m²) – 200 spaces
- Discount Food store (Shops and small supermarkets 1001m² – 2000m²) – 45 Spaces

Given that discount food stores, as proposed, are typically modern supermarkets / main-food shopping destinations, it can be more appropriate for parking to be provided in line with CSS standards for larger stores i.e Supermarkets and Superstores > 2000m². On this basis 128 parking spaces would be required; a reduction of 73 compared to the current situation.

The proposed retail unit would require fewer parking spaces than the existing unit. Notwithstanding the above and given that the applicants trip generation analysis showed an increase in peak period trips with the proposed development in place, parking surveys and further analysis was undertaken. This analysis indicated that there was sufficient spare parking capacity at Parc Trostre to accommodate the potential increase in peak period demand.

The Authority's Highways division has confirmed its acceptance of the information provided, and following detailed consideration has confirmed that it has no objection towards the proposed development on traffic generation and parking grounds.

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

This Section 73 application relates to an existing well established retail unit within Trostre Retail park. If approved and implemented this proposal would result in a significant reduction

in retail floorspace within the unit and will also remove the majority of the comparison goods floorspace. These points are considered to be material planning considerations in the determination of this application.

The above appraisal has assessed the application submission against the relevant retail tests referred to in PPW and TAN 4. Following scrutiny by, and advice from GLH the Authority's independent retail consultants, the LPA considers that the proposed development accords with the relevant planning policy considerations in terms of retailing.

The proposed development is also considered acceptable from a highway and parking perspective as confirmed by the Authority's Highways division.

It is considered that there are no loss of amenity issues associated with the proposed development whilst it is considered that the issues of concern and objection raised have adequately been addressed as part of the above appraisal.

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 and relevant national planning policies. As such the application is put forward with a recommendation for approval subject to the following conditions.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby approved relates to the site identified in red on the 1:1250 scale location plan received on the 26th April, 2019 unless amended by any of the following conditions.
- 3 Unit 2a identified on the 1:1250 scale location plan received on the 26th April, 2019 shall not be used for any other purposes including those set out in class A1 of the schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification and shall be subject to the following limitations:-
 - The retail floorspace hereby approved shall not exceed 1793sqm gross (1318 sqm net);
 - No more than 20% of the permitted retail floor area shall be used for the sale of comparison goods; and
 - No more than 1800 product lines shall be sold from the retail unit at any one time
- 4 Units 2b and 2c identified on the 1:1250 scale location plan received on the 26th April, 2019 shall not be used for purposes other than the sale of non-food goods only, and shall not be used for any other purpose including those set out in class A1 of the schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification. This restriction is not intended to apply to any ancillary coffee shop or cafeteria.

- 5 No works to retail Unit 2a 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.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt as to the extent of this permission
- 3 To accord with the applicant's justification and to ensure that the development does not compromise the retail strategy of the development plan and/or national planning policy and to protect the vitality and viability of existing centres. Furthermore other retail uses or changes to the format of retail sales would require further justification and consideration by the LPA.
- 4 For the avoidance of doubt as to the extent of this planning permission
- 5 In the interest of highway safety

Reasons for Granting Planning Permission

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

It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable

It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.

It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.

It is considered that the proposal complies with Policy SP8 of the LDP in that the proposed development will not detract from the vitality and viability of the town centre.

It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.

It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.

It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will not detract from the character and appearance of the area.

It is considered that the proposal complies with Policy GP2 of the LDP in that it is located within the defined settlement limits of the area

It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.

It is considered that the proposal complies with Policy EMP2 of the LDP in that the development represents a new employment opportunity with settlement limits.

It is considered that the proposal complies with Policy RT1 of the LDP in that due consideration and assessment of the retail hierarchy has been undertaken in coming to a decision.

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

It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.

It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.

It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.

It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.

It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

Notes

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

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

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the

submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).
- 3 This application has been determined within the scope of the delegated authority granted to the Head of Planning by the Meeting of Carmarthenshire County Council on 12 October 2011 (Minute No 7 refers).

Application No	S/39157
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Application Type	Full Planning
Proposal & Location	DETACHED DWELLING HOUSE AND DOUBLE GARAGE AT LAND REAR OF 45 TO 53 PEMBERTON ROAD, PEMBERTON, LLANELLI, CARMARTHENSHIRE

Applicant(s)	MR & MRS RUPERT & HELEN MATHIAS, CARN GWILYM HOUSE, CILSANWS LANE, CEFN COED, MERTHYR TYDFIL , CF48 2NU
Agent	D VIVIAN JONES, BRECON OAD , HIRWAUN, ABERDARE, RHONDDA CYNON TAFF, CF44 9NS
Case Officer	Zoe James
Ward	Llwynhendy
Date of validation	18/07/2019

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 application site comprises a roughly rectangular shaped site located to the rear of properties situated on the southern side of Pemberton Road in Llanelli. The site measures approximately 0.27ha and consists of the access via an unmade lane which leads off Pemberton Road between nos. 43 and 45 in a southerly direction and provides access to the rear garages and parking for properties fronting the highway. The main area of the site is located off the access lane which extends to the east and runs along the rear boundaries of nos. 45-77 Pemberton Road. The north western part of the site comprises the existing access lane from Pemberton Road which runs in a southerly direction initially and then to the east along the boundaries of the rear gardens of properties fronting Pemberton Road providing access to the plot.

To the south of the site is the training pitch and athletics track utilised by Llanelli Athletics Club, located at a lower level and separated by a steeply sloped landscaped bank. Beyond this to the south is Pemberton Retail Park. Land to the north, west and east consists of curtilages and domestic garages of properties fronting Pemberton Road.

Proposal

The application seeks full planning permission for the construction of a detached dwelling along with a separate detached double garage alongside car parking, driveway and garden/amenity space.

The Proposed Site Plan shows the dwelling to be situated in the western corner of the site with a large grassed area to the east, car parking to the front of the dwelling and grassed area to the side and rear. At ground floor, the proposed dwelling includes a large entrance hallway, utility room, dining room and living room at the front of the dwelling, with a study, store room and large open plan kitchen/family room to the rear with bi-folding doors onto the rear garden. At first floor, five bedrooms are proposed in total, alongside a family bathroom and en-suite and dressing room for bedroom 2 and the master bedroom and shared en-suite for bedrooms 3 and 4. The master bedroom and bedrooms 2, 3 and 4 overlook the rear garden with a Juliette balcony proposed for the master bedroom.

The dwelling is quite large includes a mixed design incorporating a pitch roof to the front and side, with the addition of two dormer windows breaking the eaves line on each side of the dwelling. A single storey element is proposed at the western edge and a large bay window proposed at ground floor on the east elevation. The submitted plans refer to the dwelling being painted render with black painted rainwater goods, grey soffits and fascias and grey framed windows and natural slate roof tiles.

The detached double garage sits to the north western corner of the site with a pitched roof and two double doors at ground floor and window above on the front elevation. Three car parking spaces are shown on the submitted Proposed Site Plan outside of the garage. A patio area is proposed to the rear of the dwelling as grey paviours with the remaining area identifies as being grassed. A render blockwork wall is proposed along part of the northern boundary of the site adjoining the access lane with the existing hedgerow to be retained for the remaining section of this hedgerow with additional planting of indigenous species. Access gates are proposed from the lane and these are set forward within the site.

The applicant has confirmed their intention to enter into a Section 106 agreement and a revised Certificate of Title is due to be submitted shortly indicating the applicant intends to comply with the requirements for a contribution towards affordable housing in line with Policy AH1.

Planning Site History

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

- | | |
|---------|--|
| S/34536 | CONSTRUCTION OF THREE DETACHED DWELLINGS (OUTLINE)
Outline Granted 06/06/2017 Unilateral Undertaking - Affordable Housing |
| S/32805 | VARIATION OF CONDITION 3 ON S/18528 (EXTENSION OF TIME) –
Variation of Planning Condition Granted 02/06/2016 S106 Signed - Commuted Sum |
| S/18528 | RESIDENTIAL DEVELOPMENT |

Outline Granted 15/05/2012 S106 Signed - Commuted Sum

- S/18963 DISCHARGE OF CONDITION NO. 4 ATTACHED TO PLANNING PERMISSION REF. S/16957 - FLOODLIGHTING
Discharge of Planning Condition Granted - Delegated 26/06/2008
- S/00331 SALVAGE OF ANTIQUES SUCH AS FIREPLACES, FLAG STONES, QUARRY TILES, GATES, RAILINGS AND GARDEN ORNAMENTS AND STORAGE OF MATERIALS
Lawful Development - CLOPUD Approval - Committee 24/01/1997

Planning Policy

In the context of the Authority's current Development Plan the site is within the defined development limits of Llanelli as contained in the adopted Local Development Plan (LDP). It is the subject of housing allocation GA2/H34 in the Plan for 9 dwellings. Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces
SP3 Sustainable Distribution- Settlement Framework
GP1 Sustainability and High Quality Design
GP2 Development Limits
GP3 Planning Obligations
GP4 Infrastructure and New Development
H1 Housing Allocations
H2 Housing within Development Limits
AH1 Affordable Housing
TR3 Highways in Developments
EQ4 Biodiversity

[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 objection subject to the imposition of conditions and the applicant to enter into a Section 278 Agreement with the Local Highway Authority to carry out the necessary amendments to the existing public highway.

Public Rights of Way Officer - No observations received to date.

Head of Public Protection - No comments to provide on the proposal.

Llanelli Rural Council - No objection providing that drainage generated from the development will not increase the hydraulic load on the public sewer, access and egress complies with highway safety standards and there is no detrimental impact on the privacy and amenity standards of neighbouring dwellings.

Local Member - Councillor Sharen Davies has responded confirming no objection.

Natural Resources Wales – no objection to the proposed development.

Dwr Cymru/Welsh Water – no comments as the application does not propose to connect to the public sewer.

Sustainable Drainage Approval Body (SAB) - responded advising of the new Sustainable Drainage System (SuDS) requirements and application process following the Flood and Water Management Act 2010.

Planning Ecology – requested additional information submitted concerning hedgerows on site. Further comments received confirming the submitted details are satisfactory subject to imposition of conditions.

Forward Planning – draws reference to the allocation on the site for an indicative 9 dwellings, yet considers a pragmatic approach to how realistic it is to achieve this on the site.

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 display of a site notice. As the applicant completed Certificate D, given ownership of part of the site is unknown an advertisement was also placed in the local newspaper on behalf of the applicant in line with the requirements.

Three representations were received, objecting and the matters raised are summarised as follows:

- Concerns regarding use of the rear lane and claims that deeds to property relate to the lane and at least cover unimpeded access to the land but possibly also 1/12th ownership.
- The application site is part of Trostre Farm which Carmarthenshire County Council purchased to build the new shopping and sports development and this sizeable piece of land should also have been included. Apparently the land was sold by public auction to TAD Builders who then sold to current applicant. However, no notice of a Public Auction has been seen. Application is not legal as land should be within ownership of the Authority.
- Application refers to site being nos. 45-53 but extends further along behind other properties including nos. 57 and 59 Pemberton Road.
- Concern if there was a fire or incident at the property the fire engines would struggle to get down the lane.
- During construction of the property existing residents will need to access the lane as cars are parked there, will the lane be blocked by lorries being used for the construction of the dwelling.
- The lane is also up kept the residents, so any damage would need to be corrected by those building the property.

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

Appraisal

Principle of development

The principle of residential development at the site has previously been accepted through the site's allocation within the Local Development Plan for 9 dwellings (reference. GA2/H34) and also outline planning permission granted in 2012 and again in 2017 for 3 dwellings at the site.

The current application for only 1 dwelling is a significant reduction from its allocation for 9 dwellings, as highlighted in the response from Forward Planning. However, it is also noted that the allocation is indicative and not prescriptive. More recently outline planning permission was granted for three dwellings at the site. Despite the site benefiting from planning history and previous consents for development of numerous dwellings at the site, none of the schemes have been delivered or even commenced. On this basis, it does not appear that a development in line with the indicative allocation of the LDP is likely to be delivered within the Plan period and as such it is considered that the current application is appropriate for the site.

Impact upon character and appearance of the area

The character of the area surrounding the site comprises existing residential dwellings and associated garden and garages to the north with sport and retail facilities beyond to the south. The style and design of properties along Pemberton Road are predominantly two storey terraces. Whilst it is noted that the scale and design of the proposed dwelling differs to the properties on Pemberton Road, given its location and positioning it will not be viewed in the same context and will not be visible from Pemberton Road. On this basis, the proposed dwelling is not considered to have an adverse impact on the character and appearance of the area.

The proposal will provide a beneficial re-use of what is essentially an underused and previously developed area of land and will serve to remove the existing unsightly structures to the benefit of the visual amenity of neighbouring residents and the surrounding area. Therefore, it is considered that the proposed development will result in an improvement to the existing site and surrounding area and complies with the relevant criteria of Policy GP1.

Highway Impacts

A common ground of concern amongst residents is use of the existing access lane to serve the property. Objections are raised on the basis that the lane is small and narrow and not suitable for access by fire or emergency vehicles. Neighbouring residents of Pemberton Road, who have advised they right of way of use of the lane, is frequently used for vehicle parking and are concerned the lane may be blocked and access restricted during the construction period.

The Head of Transport, having considered the proposal, has raised no objection to the application from an access or highway safety perspective subject to the imposition of suitable conditions on any permission granted. These include, amongst others, an amendment to the layout of the junction build out to improve pedestrian safety along Pemberton Road and suitable hard surfacing of the access road for at least 10 metres from the highway.

Whilst the application does not propose the widening of the entire lane, given the current application is for one dwelling only, compared to previous permissions issued at the site and its former use as an antiques salvage yard for which a lawful development certificate was issued in 1997, the improvements to the junction and surfacing of the road are deemed to be acceptable for the purposes of the development. Any permission granted will be conditioned to accord with the Head of Transport's advice to ensure compliance with the highway safety objectives of Policy TR3 of the LDP.

Ownership Matters

Concerns are raised from neighbouring residents regarding ownership of the access lane. The application was originally submitted with the entire application site including the access lane included in red with Certificate A completed, indicating the entire land was within the applicant's ownership. However, this has since been revised and Certificate D completed along with the necessary advertisement published in a local newspaper advising of the planning application in line with the necessary regulations. Whilst representations have been received claiming the land may be partly within the ownership of existing residents on Pemberton Road no legal documentation has been submitted to support this and no claim has been made by such respondent that the application should not proceed. The claims made that the application is now lawful on the basis that the land should be owned by the Authority are not considered further given the land ownership details held by the Authority and as previous permissions have been granted at the site for other applicants. On this basis, the planning application is considered valid and complies with relevant planning legislation.

Biodiversity Impacts

The Authority's Planning Ecologist reviewed the original submission and requested additional information was required to be submitted regarding landscape and hedgerows to ensure that application complies with the requirements of Planning Policy EQ4 and the Environmental Act (Wales) 2016. Following the response, a Hedgerow Management and Improvement Plan and accompanying plan was submitted in support of the application. Further comments from the Planning Ecologist have been received which confirms that the level of assessment undertaken is satisfactory and that the recommendations meet the required LDP policy objectives. Conditions are required to ensure the relevant recommendations are implemented.

Other Matters

The issues raised by the neighbouring resident regarding the maintenance of the lane and any damage caused as a result of construction works are outside the scope of planning control.

Planning Obligations

The applicant has confirmed their intention to enter into a Section 106 agreement and a revised Certificate of Title is due to be submitted shortly indicating the applicant intends to comply with the requirements for a contribution towards affordable housing in line with Policy AH1.

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

After careful consideration of the scheme as submitted, the surrounding environment, together with the representations received to date, it is concluded on balance that the proposed development at the site is acceptable. The site is within the development limits of Llanelli, allocated for housing purposes and benefits from an existing outline planning permission for three dwellings. Whilst it is noted that the proposal is now for only one dwelling, compared to its allocation of 9 dwellings, three dwellings have been accepted previously and the lack of development delivered or even commenced at the site since its allocation in 2014, the current proposal for one dwelling is considered appropriate.

The proposal will provide a beneficial re-use of what is essentially an underused and previously developed area of land and will serve to remove the existing unsightly structures to the benefit of the visual amenity of neighbouring residents and the surrounding area.

The proposal therefore complies with relevant policy and objectives of the Authority's LDP. In addition, it will make a positive contribution towards the provision of affordable housing in the locality whereby the applicant will be providing a commuted payment towards the same in accord with the requirements of Policy AH1 of the LDP.

There are no amenity, highway, ecological or public service objections to the development and the application is therefore put forward with a favourable recommendation subject to the applicant entering into a Section 106 agreement securing the above commuted payment towards affordable housing.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Location Plan scale 1:1250, Proposed Floor Plans scale 1:50 and Proposed Elevations scale 1:100 drawing no. 2631 NB.01 received 24 July 2019;
 - Existing Survey Plan scale 1:1250, Proposed Layout Plan scale 1:1250, Section A-A scale 1:100 and Proposed Garage and Floor Plans scale 1:100 drawing no. 2631 NB.02 received 9 July 2019.

- 3 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Councils (Highways and Transport services) Typical Layout No. 5 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 4 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole rear lane frontage within 2.0 metres of the near edge of carriageway.
- 5 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.
- 6 The parking spaces and layout shown on the plans herewith approved shall be provided prior to 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.
- 7 Notwithstanding the details shown on the plans submitted with the application, a detailed scheme for a junction build-out and a safe means of pedestrian access along the existing footway along Pemberton Road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby approved.
- 8 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.
- 9 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 10 The private road with its junction with Pemberton Road shall be made good for at least the first 10.0 metres in length behind the highway boundary, in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 11 A detailed landscaping scheme for the whole site including the retention of any existing landscape features and the indication of species, size and number of trees and/or shrubs to be planted shall be submitted to and specifically approved in writing by the Local Planning Authority prior to the commencement of the development and shall, following approval of such a scheme, be implemented in the first planting season following commencement of the development or at such other time as may be specifically approved in writing by the Local Planning Authority.
- 12 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water disposal from the development has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces

draining to the system unless otherwise agreed in writing by the Local Planning Authority.

- 13 Before the development hereby permitted is first brought into use the bathroom and en-suite windows for the dwelling (as shown on the Proposed Floorplans) shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.
- 14 The development must proceed in strict accordance with the following:
 - Sections 4.2.1, 5.1.1 - 5.1.3 and Appendix 5 of the Bat Survey Report by I&G Ecological Consulting August 2019.
 - Hedgerow Management & Improvement Plan and Sketch.
- 15 No development shall take place (including demolition, ground works or vegetation clearance) until a Biodiversity Working Methodology has been submitted to and approved in writing by the local planning authority. The methodology shall include the following measures identified in the Ecological Appraisal Report by I&G Ecological Consulting dated September 2019:
 - Identify practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction and avoid harm to biodiversity features (may be provided as a set of method statements) to include a:
 - Pre commencement check for badgers and bats.
 - A reptile and amphibian working methodology.
 - Invasive species strategy.
 - Vegetation clearance timings for breeding birds.
 - Identify times during construction when specialist ecologists need to be present on site to oversee works.
 - Identify responsible persons and lines of communication.
 - Identify the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - Identify protective fences, exclusion barriers and warning signs.

The approved methodology shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3-10 In the interest of highway safety.

- 11 In the interest of visual amenities.
- 12 To ensure the development is drained in an acceptable manner.
- 13 In the interest of privacy.

Notes

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

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

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

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

- 2 The applicant/developer's attention is drawn to the signed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution which is calculated on the basis of £53.35 per square metre internal floor area.
- 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).
 - Please see the relevant responses from Dwr Cymru/Welsh Water and the Council's Sustainable Drainage Body, Ecology and Highways Officer and refer to the recommendations and advice contained therein.

Application No	S/39712
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Application Type	Full Planning
Proposal & Location	DEMOLITION OF EXISTING STRUCTURES AND PROPOSED DETACHED 5 BEDROOM HOUSE, 2 NO. GARAGES & ASSOCIATED WORKS AT LAND TO THE REAR OF 5 7 & 9 FOREST ROAD HENDY LLANELLI SA4 0TN

Applicant(s)	SAMANTHA PERRETT, 10, TEGFAN, LLANSAMLET, SWANSEA, SA7 9XL
Agent	
Case Officer	Zoe James
Ward	Hendy
Date of validation	28/10/2019

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 application site comprises an irregular shaped parcel of land of approximately 0.05 hectares, located off the northern element of Clayton Road and to the rear of existing residential properties (nos. 5, 7 and 9) Fforest Road. It appears that the site previously formed part of the long rear gardens of nos. 5, 7 and 9 Fforest Road and have now been separated off to form a separate plot. The site level is higher to the north and rises towards the west and part of the site is at the same level as its boundary with Clayton Road. The land consists of mixed grass and is separated from the main gardens of the properties on Fforest Road by timber fencing. A path is proposed to the southern boundary of the site to provide access from the rear of properties on Fforest Road to Clayton Road. There are a number of small existing outbuildings/sheds on the site which are in a dilapidated state and are proposed to be demolished to accommodate the proposed dwelling.

The area surrounding the site is primarily residential with terraced properties of Fforest Road located to the north east of the site and a number of larger detached properties on the opposite side of Clayton Road to the west. The dwellings along Fforest Road are located at a lower level to the application site.

The site is not situated within any environmental or ecological designations, although it is partly within the Coal Authority's Development High Risk Area.

Proposal

The application seeks full planning permission for the construction of a detached dwellinghouse with five bedrooms and two separate detached garages, one of which is proposed to be for no. 7 Fforest Road. The proposed dwelling is sited towards the northern part of the site fronting Clayton Road with the two detached garages set at lower levels towards the south of the taking account of the topography of the site. A passing bay is located in the north eastern part of the site along Clayton Road as requested by the Highways Officer on the latest revised plan submitted.

At ground floor the dwelling comprises an entrance hall, lounge and study to the front with an open plan kitchen, living/dining room to the rear and a side utility and WC. At first floor, four bedrooms are proposed, two of which benefit from their own en-suite and the other two bedrooms share an en-suite bathroom. Bedrooms 2 and 5 overlook the rear garden with a Juliette balcony proposed for bedroom 2. Bedrooms 3 and 4 front Clayton Road, windows proposed on the side elevation are for the en-suite bathrooms. At second floor a large master bedroom suite is proposed with a dressing area and en-suite. Velux roof windows are proposed on the front and rear elevation to serve the second floor.

Car parking and vehicular access to the site is proposed to the south of the dwelling with a single storey detached garage located towards the eastern boundary of the site. The position of this garage has been amended slightly following the neighbour objection received and now sits just over 2 metres from the boundary. The second garage proposed is set further south at a lower level with a rear access door and steps down onto the adjacent footpath link to the south of the site. The submitted plan indicates the garage is for no. 7 and the applicant has advised that this was agreed with no. 7 as part of the sale of the land. A 1.8m high close boarded fence is proposed above a 1m high concrete retaining wall along the east boundary and part of the northern boundary.

The application has been accompanied by site sections taken through the site which show the proposed finished levels of the development in relation to existing properties to the east fronting Fforest Road and to the north, further up Clayton Road. The ridge height of the proposed dwelling is 8.4m from the proposed finished floor level, and compared to no. 7 Fforest Road at around 7.1 metres from finished floor level.

The applicant has confirmed their intention to pay the affordable housing contribution up front subject to Planning Committee approving the application. The proposal therefore will comply with the requirements for a contribution towards affordable housing in line with Policy AH1.

Planning Site History

The following applications have previously been submitted at the site:

S/37956 PROPOSED DETACHED 5 BEDROOM HOUSE, 2 NO. GARAGES &
ASSOCIATED WORKS
Withdrawn - 15/01/2019

S/37757	DISCHARGE OF CONDITION 7 (SITE INVESTIGATION) OF PLANNING PERMISSION S/35845 Discharge of Planning Condition Granted - 06/09/2018
S/35845	RESERVED MATTERS TO S/29388 - PROPOSED 2 NO. DWELLINGS (APPEARANCE, MEANS OF ACCESS, LANDSCAPING, LAYOUT, SCALE) Reserved Matters Granted - 11/09/2017
S/29388	PROPOSED 2 NO. DWELLINGS Outline Granted - 03/07/2014
S/09248	SITING OF DWELLING Outline Granted - Delegated 15/03/2005

Planning Policy

In the context of the Authority's current Development Plan the site is within 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
 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
 TR3 Highways in Developments
 EQ4 Biodiversity

[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 imposition of conditions.

Sustainable Drainage Approval Body (SAB) – refer to new legislation and requirements concerning drainage arrangements.

Planning Ecology – no objection subject to bat advisory being issued and a condition regarding nesting birds.

Llanedi Community Council – Object to the application on the basis that there is inadequate access served from a narrow and steep road and no pavement available to the public highway resulting in the development being a danger to pedestrians.

Local Member - Councillor Gareth Thomas is a member of the Planning Committee and has made no prior comment.

Natural Resources Wales – no observations received to date.

Dwr Cymru/Welsh Water - No objection subject to conditions.

Coal Authority – initially responded requesting further information/clarification to establish shallow coal mining situation at the site. However, following clarification from the consultant regarding error on the date of the Mining Risk Assessment the Coal Authority have confirmed no objection.

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 posting of a site notice.

Five representations were received, all objecting, the matters raised are summarised as follows:

- Proposed dwelling will block views of properties to the rear.
- Block access to dwelling to the rear, path is only narrow and not sufficient width for disabled user.
- Query regarding fence at the back of garden and the future maintenance of this.
- Proximity and height of the detached garage being less than 1m from the rear boundary fence will appear full height above 1.8m fence, will look horrendous and block out all sunlight to garden and rear kitchen window. If rear of garage is aligned with main house this would be acceptable.
- No landscape/planting provision is proposed.
- Creation of the upper floor master bedroom suite will full gable roof will be substantially higher than what was proposed previously. This will result in lack of light and overlooking concerns and will have a detrimental impact on well-being.
- People neighbouring this proposed development will be subject to loss of privacy and access, one of whom is disabled. Recommends Planning Committee visit the site.
- Houses on the other side of Clayton Road already block out some light but the proposed dwelling given its size and height and proximity will block out a huge amount of light. The rear gardens of properties are already sheltered from a lot of light/the sun as no. 3 Fforest Road is elevated and a much bigger property.
- Height of the proposed dwelling will mean light will be restricted on top of the existing situation and will reduce privacy as even the ground floor will be higher than the bedrooms at 5, 7 and 9 Fforest Road and the first and second floor will be overlooking the gardens and into the houses.
- The construction of the garage right against the boundary will further reduce light. There is no need for the garage to be set back so far within the plot.

- No dimensions shown on the plans. The presumed overall scale is not in fitting with the surroundings and is detrimental to the houses on Fforest Road and also on Clayton Road.
- Insufficient access from Clayton Road, which is very narrow and has no footpath.
- Children use this route to walk to school and catch the school bus and there is already a danger to children due to no footpath and poor visibility at the upper part of Clayton Road. This application will further endanger children.
- Dwelling will front onto a narrow road with insufficient width to allow vehicles to pass each other. Previous applications provided a passing lane and this does not.
- No allowance for footpath for safe passage of pedestrians.

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

Appraisal

Principle of development

The principle of residential development is typically supported given the site is located within the development limits where new residential development is directed to, in line with Policies SP3, GP2 and H2. Furthermore, residential development at the site has previously been accepted through the granting of outline and reserved matters consent for two dwellings at the site in 2014 and 2017.

Impact upon character and appearance of the area

The character of the area surrounding the site comprises existing residential dwellings. The style and design of properties in the immediate vicinity vary with two storey terraced properties located to the rear fronting Fforest Road and larger detached dwellings along Clayton Road. The scale of the proposed dwelling is not considered to be out of keeping with existing built development to the front of the property along Clayton Road. As such, the proposed dwelling is not considered to have a detrimental impact on the character and appearance of the area, as specified within Policy GP1.

Loss of Light and Privacy Impacts

A common ground of concerns amongst the responses is the loss of light and privacy impacts from the proposed dwelling. The proposed site plan shows that the dwelling is situated centrally within the site with a rear garden of 10 metres and a further 12 metres separation to properties to the rear. As such, there is some 22 metres separation distance between the proposed dwelling and existing properties on Fforest Road. Similarly, the previous permission granted at the site for 2 dwellings included a separation distance of 20 metres. As such, there is considered to be sufficient separation distance between the proposed dwelling and existing properties on Fforest Road.

In terms of the concerns raised regarding the height of the proposed dwelling, this is approximately 1 metre higher from finished floor level than the previous two dwellings approved at the site. However, as identified the current dwelling is situated further away from the neighbouring properties to the rear and only velux roof windows are proposed at the second floor.

In addition, a 1.8 metre high fence is proposed along the rear boundary above an existing 1 metre retaining wall which will help to minimise concerns regarding loss of privacy.

In terms of the proposed garage for the new dwelling, the position of this has been amended from the original plans submitted and is now located around 2 metres from the rear boundary of the application site. As such, it will not have an adverse impact on the amenity of the property to the rear.

The distance of the proposed dwelling is considered sufficient to prevent any unacceptable impact in terms of loss of privacy, light or overbearance despite the change in site levels and lower levels of the properties to the rear. Whilst it is acknowledged that there may be a minor degree of overlooking of the garden areas of the existing properties, it will not be of such a level that would adversely affect current privacy levels. The proposal is therefore considered that it will not adversely impact amenity of adjacent occupiers and complies with the requirements of Policy GP1.

Highway Impacts

A number of concerns raised relate to highway safety and inadequate access for the proposed dwelling. As highlighted previously, planning permission has previously been granted for the site for development of two dwellings which was accepted by the Head of Highways and Transport. The current application has been received and is considered acceptable subject to the imposition of conditions. The objection relating to the lack of passing bay is addressed, as a revised Proposed Site Layout Plan has been submitted following the request from Highways and a condition is recommended to be imposed for the creation of a passing bay at the site.

Biodiversity Impacts

The Planning Ecologist has not raised any objection to the application subject to a condition regarding nesting birds and has issued a bat advisory.

Other Matters

The concerns raised regarding the potential loss of right of way from Clayton Road to the rear gardens are unfounded as there is a footway shown outside of the application site which will not be affected by the proposed development. In terms of the comments relating to no dimensions stated on the plans, a number of plans do include dimensions and as all plans are to scale it is not necessary to include all individual dimensions.

Planning Obligations

The applicant has confirmed that they will pay the full financial contribution towards affordable housing upfront subject to recommendation to grant planning permission by the Planning Committee. As such, the application complies with the requirements of Policy AH1 and a Unilateral Undertaking will not be required.

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

After careful consideration of the scheme as submitted it is concluded on balance that the proposed dwelling is acceptable given the application site is located within the defined settlement limits as delineated within the Adopted LDP and therefore there is no in-principle objection to developing the site for residential use. Furthermore, residential development of the site has previously been accepted through the granting of planning permission for two detached properties at the site.

The height and scale of the proposed dwelling are considered acceptable given the proposed siting, proximity and separation distances to neighbouring properties to the rear. The scale, design and external appearance of the dwelling will be in keeping with existing properties on Clayton Road. The proposal is not considered to have a significant impact on the amenity of adjacent properties or residents as stipulated by part d) of Policy GP1 and is considered to conform to the character and appearance of the site and wider area, as per part a).

No objections have been received from statutory consultees. In balancing the planning matters of the proposal the scheme is considered acceptable and is recommended for approval subject to the following conditions.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Site Location Plan scale 1:1250 received 30 July 2019;
 - Existing Site Plan scale 1:200 received 30 July 2019;
 - Proposed Site Plan scale 1:200 received 6 January 2020;
 - Proposed Site Plan Boundary Types scale 1:200 received 30 July 2019;
 - Proposed Floor Plans scale 1:100 received 30 July 2019;
 - Proposed Garages Elevations and Floor Plans scale 1:100 received 30 July 2019;
 - Proposed Elevations scale 1:100 received 10 September 2019;
 - Proposed Site Sections scale 1:200 received 10 September 2019;
 - Mining Risk Assessment prepared by Blandford Consulting received 24 September 2019;
 - Site Investigation Report prepared by Blandford Consulting received 22 October 2019;

- 3 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Councils (Highways and Transport services) Typical Layout No.1 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 4 Any access gates shall be set back a minimum distance of 5 metres from the highway boundary, and shall open inwards into the site only.
- 5 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the near edge of the carriageway.
- 6 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Clayton Road frontage within 2.0 metres of the near edge of the highway.
- 7 Prior to any use of the access by vehicular traffic, a visibility splay of 2 metres x 25 metres shall be formed to the west side of the access and thereafter retained in perpetuity, to the near edge of carriageway.
- 8 The accesses and visibility splays 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 or visibility splays, is to be obstructed by non-motorised vehicles.
- 9 The parking spaces and layout shown on the plans herewith approved shall be provided prior to 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 and turning facilities is to be obstructed by non-motorised vehicles.
- 10 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.
- 11 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 12 The accesses shall be hard-surfaced in a bonded material for a minimum distance of 5.0 meters behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.
- 13 A passing bay, giving a carriageway width of 5.0 metres over a 10 metres linear length of the road, shall be provided to the north side of Clayton road to the site. This shall be implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 14 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 15 Any works affecting vegetation on site must be done outside the nesting season, which is recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be

nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

- 16 The boundary materials and fencing shown on the Proposed Site Plan- Boundary Types drawing no. 1942-04 shall be erected prior to the beneficial occupation of the dwelling. The boundary materials approved shall be retained thereafter.
- 17 Before the development hereby permitted is first brought into use the en suite and bathroom windows at first floor (as shown on Proposed Floor Plans drawing no. 1942-05) 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 For the avoidance of doubt as to the extent of this permission.
- 3-13 In the interest of highway safety.
- 14 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.
- 15 To ensure the protection of nesting birds.
- 16-17 In the interest of privacy.

Notes

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

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

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

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

- 2 The applicant/developer has paid a contribution of £41.98 per square metre in respect of affordable housing in line with Policy AH1.
- 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).
 - Please see the relevant responses from Dwr Cymru/Welsh Water and the Council's Highways Officer, Planning Ecologist and Sustainable Drainage Body and refer to the recommendations and advice contained therein.

Application No	S/39814
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Application Type	Full Planning
Proposal & Location	CONVERSION OF EXISTING PROPERTY INTO TWO FLATS AND CONSTRUCTION OF A 3 BEDROOM HOUSE ON ADJOINING VACANT LAND AT 2 GREAT WESTERN TERRACE, LLANELLI, SA15 2ND

Applicant(s)	NEIL JENKINS, CAPEL ISAF FARM, LLANELLI, SA15 1QD
Agent	W GRIFFITHS - ADRIAN EVANS, FALCON CHAMBERS, THOMAS STREET, LLANELLI, SA15 3JB
Case Officer	Robert Davies
Ward	Glan Y Mor
Date of validation	20/11/2019

Reason for Committee

This application is being reported to the Planning Committee following call-in requests by Cllr J Prosser and Cllr L Roberts.

Site

The application site consists of no. 2 Great Western Terrace, a 6 bedroom end of terrace property, and its residential curtilage. The property occupies a central position at Great Western Terrace, which is accessed off Copperworks Road in south Llanelli. The main railway line is located to the immediate north of the site with the main railway station located beyond at Great Western Crescent.

No. 2 Great Western Terrace is a well-established end of terrace property. A pair of more recent semi-detached properties have been constructed to the immediate east of the application site. Whilst the application property has a road frontage on to Great Western Terrace, and a rear pedestrian access off the lane, it does not currently benefit from having any off street parking. The residents of the existing property therefore park on the street.

Proposal

The application seeks full planning permission to convert the existing 6 bedroom dwelling into two separate, two bedroom flats, one at ground floor and the other at first floor with second bedroom in the roof space. It is also proposed to construct a detached 3 bedroom

dwelling in the side garden area of no.2 Great Western Terrace, adjacent to the more recent semi-detached dwellings. The proposed dwelling is 6.2m wide, 8.8m deep and currently has a ridge height of 9.8m. On the latter measurement however the LPA has asked for this to be reduced in the context of the prevailing street scene and is waiting on amended plans in this respect.

The site layout drawing submitted indicates that it is proposed to create a new access off Great Western Terrace, which is an unclassified road, to create a driveway to the side of the proposed dwelling with enough space to park two cars. One of the proposed flats will benefit from having one off street car parking space to the rear accessed via a new opening on to the rear access lane, whilst the residents of the other flat will park on street at Great Western Terrace in the same manner as existing residents of the 6 bedroom dwelling.

The application has been accompanied by a Travel Plan which emphasises the sustainability credentials of the site's location and a Tree Survey that indicates that there are no trees within the site itself, and there is no root encroachment from trees located on adjacent land and property. The applicant has commissioned a surface water drainage strategy following a request from the LPA, and has agreed to provide a financial contribution towards affordable housing to be calculated based upon the floor space of the new dwelling. The latter is to be subject of a legal agreement and the LPA is waiting on the completed documents in this respect.

Planning Site History

S/36222	TO SPLIT THE EXISTING 6 BEDROOM DWELLING INTO 2 SEPARATE DWELLINGS Full Approval - 24/10/2017
D5/12522	PAIR OF SEMI DETACHED DWELLING HOUSES Approved - 12/02/1990
D5/3653	PRIVATE GARAGE Refused- 01/02/1979

Planning Policy

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

SP1 Sustainable Places and Spaces
SP3 Sustainable Distribution – Settlement Framework
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
GP1 Sustainability and High Quality Design
GP2 Development Limits
GP4 Infrastructure and New Development
H2 Housing within Development Limits
H3 Conversion or Subdivision of Existing Dwellings
AH1 Affordable Housing
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

[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:-

- Significant impact on the amenity of adjacent residents
- Inappropriate access, parking and highway safety concerns
- Over intensification of use of the property
- Glanymor and Tyisha Wards are already oversaturated with HMO's
- The introduction of more C4 class HMO properties into the area would have a detrimental impact upon regeneration plans for the area

Local Members - Both County Councillors J Prosser and L Roberts have requested that the planning application is presented to Planning Committee for consideration. Their concerns primarily relate to highway and pedestrian safety. Great Western Terrace is a very small terrace with restricted access. There is only one access point opposite the new Penrhos School. Parking is already an issue in this location. Cllr Roberts has requested that Planning Committee undertake a site visit to view the limited access before determining the application.

Both Local Members also refer to the already high concentration of HMO's in the area.

Dwr Cymru/Welsh Water - No objection subject to conditions.

Land Drainage - Have drawn reference to SAB requirements.

Head of Highways - No objection subject to conditions.

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

Summary of Public Representations

Three neighbouring properties were notified of the application. To date, no letters of concern or objection have been received.

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

Appraisal

Whilst no letters of concern or objection have been received from neighbouring properties or the public, both Local Members and Llanelli Town Council have objected. The material reasons for concern and objection raised will now be addressed individually as part of this appraisal.

The main issue raised seems to relate to highway and pedestrian safety with restricted access at Great Western Terrace and existing parking issues being cited as reasons. As aforementioned in this report, the existing 6 bedroom dwelling does not benefit from having any off street car parking provision. Members will have noted from the planning history that extant planning permission exists for the conversion of the dwelling into two flats granted under reference S/36222 on the 24th October, 2017. As such the principle of such a scheme of sub-division has already been established. As part of the extant scheme vehicular accesses off both Great Western Terrace and the rear lane were proposed. The main difference between the extant scheme and the current proposal therefore relates to the new build dwelling in the garden.

Great Western Terrace itself is 5.5m to 6.6m wide with footways either side for the majority of its length, and has a statutory speed limit of 20mph. There are no on street parking restrictions, whilst during the site visit to the property it was noted that there were a number of on street parking opportunities.

The proposed scheme will provide off street car parking for one of the flats and the new dwelling, and therefore only the residents from one of the new two bedroom flats will need to park on Great Western Terrace itself. As aforementioned the residents of a large, 6 bedroom terraced dwelling currently have to park on the road. The application site is considered to be located in a highly sustainable location.

Both the Local Members and the Town Council refer to Houses of Multiple Occupancy (C4 use class), however Members are reminded that this is not what is proposed in this instance. The proposal relates to the sub-division of the existing dwelling into two self-contained residential flats (C3 use class). The proposed scheme along with the addition of a new dwelling in the large side garden does not in the LPA's opinion represent an over-intensification of use in such a dense urban setting. The proposed end use is considered to be compatible with surrounding residential land uses and in the LPA's opinion will not adversely affect the residential amenity of existing residents.

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.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Location plan 1:1250 @ A3 received 5th November, 2019
 - Existing site plan – topography survey 1:200 @ A2 (19-942/2002/1.1) received 5th November, 2019
 - Existing elevations (flats) 1:100 @ A3 (1712-A2-1) received 5th November, 2019
 - Existing floor plans (flats) 1:100 @ A3 (1712-A2-1) received 5th November, 2019
 - Proposed elevations (house) 1:100 @ A3 (1712-B-2-1) received 5th November, 2019
 - Proposed floor plans (house) 1:100 @ A3 (1712-B-1-1) received 5th November, 2019
 - Proposed floor plans (flats) 1:100 @ A3 (1712-A1-2-4) received 5th November, 2019
 - Proposed site plan topography 1:200 @ A3 (1712-4-1) received 18th November, 2019
 - Proposed elevations (flats) 1:100 @ A3 (1712-A2-2-1) received 18th November, 2019
- 3 Prior to the beneficial occupation of the first floor flat, full details/specification of the 1.8m high screen on the boundary with no.4 Great Western Terrace shall be provided to the written approval of the Local Planning Authority. The approved scheme shall subsequently be implemented prior to the beneficial occupation of this flat.
- 4 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Councils (Highways and Transport services) Typical Layout No. 1 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 5 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 6 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 Great Western Terrace Road frontage within 2.0 metres of the near edge of the carriageway.
- 7 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.
- 8 The parking spaces and layout shown on the plans herewith approved shall be provided prior to 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.

9 The parking area for the dwelling (Spaces 1 & 2) shall be hard surfaced in a bonded material, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

10 The development shall operate strictly in accordance with the approved travel plan.

Reasons

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

2 In the interest of visual amenity.

3 To preserve residential amenity.

4-10 In the interest of highway safety.

Reasons for Granting Planning Permission

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

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP6 of the LDP in that the applicant has agreed to provide a commuted sum contribution towards affordable housing.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy 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 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 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 H3 of the LDP in that the proposed conversion of the existing dwelling into two flats will not result in an over-intensification of use, is appropriate to the character of the area and will not result in highway safety or parking concerns.
- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide a commuted sum contribution towards affordable housing.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

Notes

- 1 Unilateral Undertaking note (when received).

- 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.