

**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 08 HYDREF 2020
ON 08 OCTOBER 2020**

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

***Ardal De/
Area South***



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	08 OCTOBER 2020
REPORT OF:	HEAD OF PLANNING

INDEX - AREA SOUTH

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	PAGE
S/40172	Retrospective application for retention of dwellinghouse at Plot 4, Cae Linda, Trimsaran, Kidwelly, SA17 4AQ	28
PL/00194	Proposed demolition and subsequent reconstruction of a three-storey building to provide commercial use at ground floor level and residential at the upper floors with associated parking at 2, 4, 4A, 6 and 8 Stepney Street, Llanelli, SA15 3UP	42

REF.	INFORMATION ITEM	PAGE
DNS/00427	DNS (Development of National Significance) – Proposed Solar Park (DNS/3227364) including proposed cable route at land east of the A48 and land south west of Tycroes, adjacent to Clawdd Ddu Solar Farm, Tycroes, Ammanford, SA18 3RE	64

APPLICATIONS RECOMMENDED FOR APPROVAL
--

Application No	S/40172
-----------------------	----------------

Application Type	Full Planning
Proposal & Location	RETROSPECTIVE APPLICATION FOR RETENTION OF DWELLINGHOUSE AT PLOT 4, CAE LINDA, TRIMSARAN, KIDWELLY, SA17 4AQ

Applicant(s)	MR J CARROLL
Agent	MR H JENKINS
Case Officer	Eilian Jones
Ward	Trimsaran
Date registered	05/02/2020

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr K. Broom and following the receipt of more than one objection from third parties.

Site

The site forms part of a small, modern residential estate which is in the process of being constructed. The site, known as Plot 4, sits between two other plots.

Plot 1 is to the immediate north of the site. This has remained a vacant plot and has not been brought forward for development. This plot formed part of the original outline permission for residential development but did not form part of the approved detailed application (S/07068 refers). It did however obtain separate approval in May 2006 by S/12826 but it appears that it has now lapsed.

Plot 6 is to the immediate south of the site and the dwelling (known as 2 Cae Linda) has been built and occupied.

The site fronts the private estate road of Cae Linda but backs onto the rear gardens of existing dwellings fronting Heol Llanelli. The site is deemed to be in a predominantly residential area and within the development limits of Trimsaran.

Proposal

The application seeks retrospective detailed consent for the retention of a dwelling at Plot 4, Cae Linda, Trimsaran.

The dwelling itself is largely externally complete however some additional work is required, especially to the external grounds. It is understood that works have been largely paused pending the resolution of this application.

Planning Site History

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

S/28682	Variation of planning condition no. 2 of planning permission S/07068 to change location of house and garage to accommodate the gas pipeline (Plot 10) Variation of Planning Condition granted	16 September 2013
S/17585	Proposed dwelling house (Plot 5) Full planning permission	19 November 2007
S/12826	Detached dwellinghouse (Plot 1) Full planning permission	29 May 2006
S/07068	7 no. detached two storey dwelling including associated garages where applicable, infrastructure and road access (Phase 1 of residential development) Full planning permission Unilateral Undertaking	07 January 2005
S/00536	Residential development Outline planning permission	09 May 1997
D5/16250	Residential development Outline planning permission	30 June 1994

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) (CLDP)

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
H2 Housing within Development Limits
TR3 Highways in Developments – Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

The following guidance documents are considered relevant to the determination of this application:

[Planning Obligations SPG](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and is considered relevant to the determination of this application.

The following [Technical Advice Notes](#) (TANs) published by Welsh Government are considered relevant to the determination of this application:-

TAN 12 Design (2016) seeks to promote sustainability principles through good design and identifies how Local Planning Authorities can facilitate this process through the planning system.

Summary of Consultation Responses

Head of Transportation & Highways – No objections to the proposal subject to conditions.

Head of Public Protection - No objections to the proposal.

Trimsaran Community Council – Has reservations:-

- due to impact on adjoining properties;
- being built not to original plans; and
- sited incorrectly.

Local Member – Cllr. K. Broom requests that the application is referred to Committee and subject of a site visit due to impact upon neighbouring properties, especially issues of dominance/overbearing and loss of privacy.

Dwr Cymru/Welsh Water - No objections to the proposal subject to a condition.

Drainage – No objections to the proposal. Advised that separate SAB approval required.

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

Summary of Public Representations

The application was the subject of notification by way of site notice.

Two representations were received, 2 objecting, and the matters raised are summarised as follows:-

- 1 Dwelling built too close and too high to properties resulting in loss of privacy, view and light to their garden and greenhouse
- 2 Building a higher boundary fence would result in further loss of light.
- 3 Loss of privacy from first floor rear-facing windows facing kitchen and garden.
- 4 Overdevelopment.
- 5 Too expensive for first time buyers.

- 6 Health and safety concerns during construction works and site unkempt by rubbish and rubble.

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

Appraisal

The application seeks retrospective detailed consent for the retention of a dwelling at Plot 4, Cae Linda, Trimsaran.

There is complex planning history associated with the Cae Linda residential site. In summary, outline planning permission was given for residential development in the 1990s. It does not appear that these were followed by a reserved matters application however a standalone detailed planning permission was given in January 2005 for 7 dwellings within the wider Cae Linda estate (inclusive of a dwelling on the plot that is the subject of this latest application – S/07068 refers). This permission is extant since it has been part implemented, by virtue of other dwellings in the estate being built. The dwelling on Plot 4 has only recently been brought forward for development. Since the approval of S/07068, there have been subsequent approvals of modifications and changes to house-types to several dwellings within the Cae Linda estate. These have been referenced in the “Planning Site History” section of this report.

This latest application solely relates to the dwelling on Plot 4. When developing the plot, it was identified that the dwelling has not been built in accordance with the approved plans. In this respect, it has been established with some certainty that the dwelling has been sited further back into the plot. The approved plan shows a distance of approximately 9.5m between the rear elevation of the dwelling and the rear boundary. The dwelling which has been built has a distance of approximately 7.5m between its rear elevation and the rear boundary.

There is some ambiguity as to whether the dwelling has also been built at a higher level, however the approved plans lack clear details between existing and proposed levels to be able to determine precisely whether this is the case. Based on the information available from the approved drawings, the following estimates and assumptions are made:

At the time of approval of the original development, there are annotations to indicate that the existing site levels associated with Plot 4 did fall gradually from the Cae Linda Estate road (front – highest) towards the boundary of the rear gardens of existing dwellings fronting Heol Llanelli (rear – lowest). Although the quality of the plans are poor, two legible annotations within the plot suggest levels of approximately 87.11 (towards the front) and 86.30 (towards the rear). The road-layout plan of Cae Linda also confirms that the road level fronting Plot 4 is higher than the existing site levels of this plot (approximate range between 87.85 – 87.13).

The approved plan showing the proposed layout of the Cae Linda development indicates that the dwelling on Plot 4 would have a slab level of 87.200. This would be compatible with the approximate levels stated above, namely that the dwelling would generally be lower than the estate road and that it would be similar to the existing level towards the front of the site. As a consequence, this would result in the approved property, on a matter of principle, being higher than existing ground levels towards the rear of the plot, potentially by around 900mm if based on the approximate levels stated above.

Unfortunately, the approved development did not include any plans to indicate the proposed finished levels of the gardens and external spaces within the plot once the dwelling is built. There is however annotation to indicate that a 1.8m boundary treatment would be erected between the rear boundary of the plot and the rear garden of dwellings fronting Heol Llanelli but it is not possible to confirm the height of ground that this boundary treatment would be erected upon.

Notwithstanding the matters relating to the siting of the dwelling and site levels, the dwelling itself is largely externally complete and, in terms of its scale, design and external appearance, appears to have been constructed in accordance with the plans approved by S/07068. As such, the focus of this application is primarily to consider whether the dwelling, as built in its current position within the plot and to current levels, is acceptable.

Principle of Development

The site is within a predominantly residential area and within development limits. The site also benefits from an extant permission for the construction of a dwelling; therefore, it is considered that the proposal, in principle, is in accordance with sustaining an existing settlement and is compatible with surrounding uses.

Site Layout, Design and Visual Amenity

Since the dwelling itself appears to have been constructed in accordance with the plans approved by S/07068, it is considered that it is visually compatible with its surroundings, particularly when viewed from public positions. In this respect, the road network of Cae Linda is not adopted by the Highway Authority and therefore is private. The nearest public position therefore is Heol Llanelli, whereby the dwelling is viewed at an approximate distance of 40m and seen in context with other parts of the Cae Linda estate and other residential properties along the public road. From such positions, the dwelling does not look out of character or unduly harmful to visual amenity.

It is considered that the dwelling, when viewed from the private estate roads of Cae Linda, inclusive the access road fronting the site, is not significantly detrimental to visual amenity. From this position, if any changes has occurred to the finished floor level of the dwelling, it is not readily noticeable since it remains lower than the estate road and not too dissimilar in height to the neighbouring dwelling 2 Cae Linda (Plot 6). Also, it is considered that the set-back position of the dwelling within the plot and the general layout of its frontage, allows for an acceptable streetscene and does not raise any significant visual amenity issues.

Subject to conditions for compliance with the submitted plans, it is considered that the proposal would not have any significant adverse effect on the visual amenities of the surrounding area.

Residential Amenity

Careful consideration has been given to the impact of the development upon neighbouring properties and extensive negotiation has been taken place which resulted in several amendments being made to the scheme, in so far as practicable given that the dwelling itself is largely externally complete.

The assessment of this application involved the Case Officer undertaking extensive research into the planning history of the site and viewing the site from the rear garden of the neighbour that is impacted the most by the development, namely 68b Heol Llanelli. This property and its rear garden directly backs onto the application site and by virtue of the proposed dwelling being sited further back in the plot, it was acknowledged that there is potential for greater impact upon their amenities. The dwelling on Plot 4 is sited approximately 7.5m from the rear boundary wall of 68b Heol Llanelli.

Following a review of the planning history of the site, it is only possible to make reasonable estimates and assumptions on the approved levels of the site and dwelling. A detailed assessment of this is provided towards the beginning of the 'Appraisal' Section of this report.

It is concluded that the approved property, on a matter of principle, was to be higher than existing ground levels towards the rear of the plot, potentially by around 900mm. Unfortunately, the approved development did not include any plans to indicate the proposed finished levels of the gardens and external spaces within the plot once the dwelling is built. Furthermore, whilst there is annotation to indicate that a 1.8m boundary treatment would be erected between the rear boundary of the plot and the rear garden of dwellings fronting Heol Llanelli, it is not possible to confirm the height of the ground that this boundary treatment would be erected upon. Therefore, if the dwelling was built to the approximate approved level and the 1.8m boundary treatment erected to the existing levels, it is considered unlikely that this would provide the desired standard of privacy and amenity for future occupiers of the property and its neighbours.

In respect of this latest application, the applicant has submitted a site plan containing the current 'as built' situation and levels of the site, the proposed levels of the site and the finished floor level of the dwelling. At the time of site visit, the external grounds of the plot have not yet been completed and has been paused pending the resolution of this application.

The sectional view plan indicates that the existing ground level immediately adjacent to the rear elevation of the dwelling is approximately 600mm lower than the finished floor level of the dwelling. This is consistent with the estimates and assumptions made concerning the originally approved scheme, acknowledging that the siting of the dwelling further back into the plot has marginally reduced the difference between ground levels and the finished floor level of the dwelling.

This plan also indicates that the ground at the rear of the property slopes further downwards toward the rear boundary with 68b but also towards the rear of vacant Plot 1 to the north. In this respect, there is a total difference of approximately 1m-1.7m between the finished floor level of the dwelling and the rear-most parts of the grounds as it currently stands. However, it is noted that the lowest parts of the garden are immediately adjacent to a garage and outbuilding of 68a Heol Llanelli which provides sufficient screening and an effective buffer between this particular neighbouring property and the proposed dwelling (inclusive of their respective rear gardens). It is also acknowledged that the proposed dwelling and 68a are not in direct alignment with one another since this neighbouring property predominantly backs onto vacant Plot 1.

The proposed site levels indicate very minor changes to the existing ground levels of the majority of the rear garden, albeit the inclusion of raised planting bed to support a boundary treatment to be erected along the rear boundary. This will ensure that the garden level is kept as low as possible, thereby minimising the impact on neighbouring properties.

Having regard to the above mitigating factors, it is considered that the proposed dwelling, despite being sited being closer to the rear boundary, would not be unduly harmful to the amenities of the occupiers of 68a Heol Llanelli.

The neighbour that is impacted the most by the development is 68b Heol Llanelli. This property and its rear garden directly backs onto the application site. Current levels indicate that there is approximately 1m-1.3m difference in levels between the finished floor level of the proposed dwelling and the rear-most part of its garden which backs onto the rear boundary of 68b Heol Llanelli. This also confirms that the originally approved 1.8m high boundary treatment was unlikely to provide the desired standard of privacy and amenity for future occupiers of the property and its neighbours.

The ground levels of the rear garden of 68b are not too dissimilar however the existing dividing boundary wall is rather low and does not provide effective screening, for the purposes of securing an acceptable standard of privacy and amenity to both properties. This has been amplified by virtue of the elevated position of the rear elevation of the proposed dwelling compared to the rear garden levels, its proximity to the boundary and that the rear elevation contains multiple windows at both ground and floor levels.

There is some mitigation present in that the part of the rear-most section of the garden of 68b Heol Llanelli contains a greenhouse and the presence of such a structure does alleviate some of the impact of the development. However, the greenhouse is largely transparent and does not have the same effect as the more permanent garage/outbuilding of 68a Heol Llanelli.

Extensive negotiation has taken place to address any unreasonable loss of privacy and amenity. This has resulted in amendments to the scheme and additional information concerning external ground levels.

A plan has been submitted showing the proposed finished levels, including a section through the site to demonstrate the relationship between the proposed dwelling, its rear garden, part of the garden of 68b Heol Llanelli and the proposed dividing boundary treatment. The plans indicate that most of the proposed rear garden will be kept at a lower level. A section of blockwork below damp-proof course of the rear elevation of the dwelling is currently exposed therefore it is proposed to create a small pathway approximately 900mm wide around the rear perimeter of the property to conceal this. A set of steps will then be constructed from the rear patio doors to provide access to the rest of the rear garden which will be kept at a lower level to the dwelling. This arrangement would avoid the need to raise the levels of the entire rear garden which would exacerbate issues of privacy and amenity.

In addition to this, the proposal will involve the erection of a 2.7m high boundary treatment adjacent to the current boundary wall dividing the site and 68b Heol Llanelli. This would be erected from existing ground levels and designed so that its base would comprise of a narrow dwarf brick wall approximately 700mm high. Positioned above the wall would be 2m high fence panels with the lower 1.7m being close-boarded and the upper 300mm being of a louvered design. This combination would provide reasonable privacy and

amenity to the occupiers of both the proposed dwelling and 68b Heol Llanelli, especially from the rear-facing ground floor windows of the proposed dwelling and respective gardens. It would also allow some light to pass through due to small gaps between the louvered panels but in a manner which does not significantly compromise privacy. The application has included details of the design and appearance of the boundary treatments, including views from the garden and of the neighbouring property and section details to confirm precisely how this structure is to be constructed.

Whilst a 2.7m boundary treatment would constitute a taller structure than a typical boundary between residential properties (a 2m high structure could be erected under permitted development rights), it is considered in this instance and with a part-louvered design, that it would not be unreasonably excessive or that it would result in significant harm to residential amenity.

Regard is also given to the fall-back position of the originally approved scheme, which remains extant. In this respect, the conclusions of the review of that scheme indicate that the approved boundary treatments would likely to have offered little privacy to the concerned properties. Whilst it is acknowledged that the proposed dwelling associated with this latest application is closer, the proposed boundary treatment is deemed, on balance, to be a reasonable compromise.

Other factors are also deemed material considerations, namely that under permitted development rights, the original dwelling on Plot 4 (if built as approved) could have erected a 2.5m high outbuilding immediately adjacent to the boundary with 68b Heol Llanelli which would have had an impact that is not too dissimilar to the proposed fence. Unlike the previous approval, this latest application provides the opportunity to remove certain permitted development rights which would ensure that the Local Planning Authority has effective control over any future development to the property and within its grounds, in the interest of residential and visual amenities. A condition to this effect has been recommended.

It is also noted that the application site and neighbouring properties are located within the urban area where development is generally expected to occur. 68b Heol Llanelli benefits from a rear garden which has a length of approximately 13m, a front garden and also a much larger garden to the side of the property due to its corner-plot location. It is therefore considered that the impact of the 2.7m high fence would be rather localised and would not result in any unreasonable harm to the overall level of outdoor amenity enjoyed by this neighbouring property.

The proposed dwelling, as built, contains three first floor windows on its rear elevation. These windows directly face the rear of 68b Heol Llanelli and has a direct relationship with its rear-facing windows. The proximity of these windows to the rear boundary, amplified by their elevated position, would result in a loss of privacy and amenity to the occupiers of 68b Heol Llanelli. However, this harm solely relates to overlooking the rear garden of No.68b since there is a distance of approximately 21m between the rear-facing windows of the proposed dwelling and the corresponding rear-facing windows of No.68b.

Following careful consideration of the matter and extensive negotiation, the scheme has been amended to reconfigure the internal layout of the proposed dwelling. In this respect, the applicant has acknowledged the inability to retain habitable room windows on the first floor rear elevation and has therefore reduced the property to 3 bedrooms (previously 4 bedrooms). In doing so, two of the rear-facing windows are now omitted and would be

bricked up. The final window is to remain but this serves a bathroom which is a non-habitable room. This window will be fitted with obscure glazing which will avoid any unreasonable overlooking. The imposition of a condition will ensure that the window is a fixed pane (meaning that it cannot be opened) and that it will have a high level of obscurity and that it is fitted prior to the occupation of the dwelling and for it to remain in that manner in perpetuity. A further condition would ensure that no new windows are subsequently added to the first floor or roof level of the rear elevation of the dwelling.

It is considered that these amendments would ensure that all habitable rooms of the proposed dwelling would have sufficient standard of amenity for its future occupants but also designed in a manner that would not, on balance, result in any unreasonable loss of amenity to the occupiers of 68b Heol Llanelli.

Notwithstanding the changes made to the proposed dwelling to overcome privacy concerns, the submitted plans indicate that the proposed dwelling itself is almost identical to that previously approved. Whilst the dwelling has been sited closer to the boundary with No.68b Heol Llanelli than the original approval, it is considered that the proposal does not unreasonably dominate this neighbouring property. In this respect, there is an approximate separation distance of 21m between the rear elevation of both properties and whilst it is accepted that there is a degree of localised impact to the rear garden of No.68b, it would not, on balance, result in any unreasonable harm to the overall outdoor amenity enjoyed by this neighbouring property given the amount of other amenity space available to this property that would not be significantly affected by the proposal and the inclusion of a new boundary treatment.

The rear elevation of 2 Cae Linda (Plot 6) backs onto the gable-end elevation of the proposed dwelling. These properties have a much closer relationship than the proposed dwelling and No.68b Heol Llanelli, however such relationship was an established feature of the original approval. If there had been any deviation in site levels, this is compensated by the dwelling being set further back in the plot which has enabled the two properties to have more of an indirect alignment. Also, there are no windows positioned on the side elevation of the proposed dwelling, therefore, it is considered that the privacy and amenities of both properties are reasonably safeguarded. A condition would ensure that no new windows are subsequently added to the first floor or roof level of the side elevation of the dwelling.

Plot 1 Cae Linda is located to the north of the application site. The plot remains vacant and the detailed permission associated with this plot appears to have lapsed. Notwithstanding this and without prejudice, it is considered that the development proposed by this latest application compared to that already approved on this site is unlikely to unreasonably inhibit the adjacent plot from being suitable for residential development. It is also noted that the side elevation of the proposed dwelling does not have any windows that would face Plot 1. A condition would ensure that no new windows are subsequently added to the first floor or roof level of the side elevation of the dwelling.

With regards to the amenities of future occupiers of the proposed dwelling it is considered that the scheme, with amendments, sits sympathetically within the plot with reasonable external circulation spaces. The dwelling provides an acceptable level of outdoor amenity space and caters for access and parking facilities. The Environmental Health Department of the Council has no objections to the proposal. The footprint-to-plot ratio is reasonably balanced and does not amount to overdevelopment and would be comparable to several other properties in the area. It is however considered prudent, in the interests of residential

amenities of future occupiers and neighbouring properties, to remove certain permitted development rights.

Parking and Highway Safety

The site is accessed through the private estate road of Cae Linda which subsequently connects to the public highway of Heol Llanelli. Despite the proposed dwelling being sited in a different position within the plot than previously approved, there remains adequate access and sufficient external space for off-street parking.

The Highways Authority have no objections to the proposal subject to conditions. It is also considered necessary to restrict the ability for the integral garage to be later converted into habitable space, since this will also ensure that sufficient off-street parking spaces are provided within the site. It is therefore considered that the proposal would not have any significant adverse effect on highway/pedestrian safety.

Drainage and Utilities/Infrastructure

Whilst limited details have been provided with the application concerning drainage, the site is not within a flood risk area and also benefits from extant permission. Welsh Water has no objections to the proposal subject to conditions and the Council's Drainage Officer has not raised any adverse comments.

Other Matters

Whilst loss of view is not a material planning consideration, impact upon the outlook from the rear of 68b Heol Llanelli and from other neighbouring properties have been considered under the 'Residential Amenity' section of this report.

One of the objectors have raised issues concerning health and safety concerns during construction works and the site unkempt by rubbish and rubble. Health and safety during construction is a matter which is covered by separate legislation (and enforced by the Health and Safety Executive). Whilst parts of the site may be considered unkempt by rubbish and rubble, it is acknowledged that this is an active construction site whereby a degree of visual impact is to be expected. However, this is likely to be short-term and insufficient material consideration to warrant refusal of the scheme.

An objector has also commented that the proposed dwelling would not be suitable for first time buyers. The applicant has completed a legal agreement which provides a contribution towards the provision of affordable housing in the locality.

Planning Obligations

The proposed development involves the construction of a private market dwelling. As such, the proposal generates the need for a financial contribution to be made towards the provision of affordable housing in the area. Notwithstanding the extant permission associated with the site, the applicant has submitted a Unilateral Undertaking to enable this contribution to be secured. It is therefore considered that the proposal contributes to the delivery of sustainable development

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 within development limits, represents an acceptable form of development which is appropriate in scale and to the character and appearance of the surrounding area. The proposed development would not, on balance, be unreasonably detrimental to the residential amenities of neighbouring properties or the future occupiers of the proposed dwelling and would not have a significant adverse effect on visual amenity, highway/pedestrian safety and drainage. As such, the proposal accords with Policies SP1, SP2, SP3, SP14, GP1, GP2, GP3, H2, AH1, TR3, EQ4, EP1, EP2 and EP3 of the adopted Carmarthenshire Local Development Plan.

Recommendation – Approval

Conditions and Reasons

Condition 1

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 1 September 2019.

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

Condition 2

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

- 4/CL/T – Proposed Elevations, Floorplans and Location Plan – Amended 24 March 2020 [excluding Site Plan] (Scales 1:1250, 1:100, 1:50, received 21 September 2020);
- Proposed Site Plan (Scale 1:200, received 4 September 2020);
- Existing and Proposed Cross Sectional View with Boundary Treatments (Scale 1:100, received 4 September 2020);
- Sectional Detail Through Rear Garden (Scale 1:50, received 20 August 2020);
- Canterbury Combi Fencing with Slotted Posts detail [viewed from outside] (Scale 1:20, received 4 September 2020).

Reason: In the interests of visual amenity, residential amenity and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

Condition 3

The dwelling hereby approved shall not be brought into beneficial occupation until the boundary treatments have been erected in accordance with the following drawings:-

- Existing and Proposed Cross Sectional View with Boundary Treatments (Scale 1:100, received 4 September 2020);
- Sectional Detail Through Rear Garden (Scale 1:50, received 20/08/2020);
- Canterbury Combi Fencing with Slotted Posts detail [viewed from outside] (Scale 1:20, received 4 September 2020).

The approved boundary treatments shall thereafter be retained as approved in perpetuity.

Reason: In the interests of privacy, residential amenities and visual amenities.

Condition 4

The dwelling hereby approved shall not be brought into beneficial occupation until the external levels of the site have been completed in accordance with drawings:-

- Proposed Site Plan (Scale 1:200, received 4 September 2020);
- Existing and Proposed Cross Sectional View with Boundary Treatments (Scale 1:100, received 4 September 2020);
- Sectional Detail Through Rear Garden (Scale 1:50, received 20/08/2020).

Reason: In the interests of privacy, residential amenities and visual amenities.

Condition 5

The dwelling hereby approved shall not be brought into beneficial occupation until its rear elevation has been completed in accordance with drawing 4/CL/T – Proposed Elevations, Floorplans and Location Plan – Amended 24 March 2020 [excluding Site Plan] (Scales 1:1250, 1:100, 1:50, received 21 September 2020).

Reason: In the interests of privacy, residential amenities and visual amenities.

Condition 6

Notwithstanding the requirements of Condition 5, the dwelling hereby approved shall not be brought into beneficial occupation until the first floor bathroom window facing 68b Heol Llanelli, as shown on drawing 4/CL/T – Proposed Elevations, Floorplans and Location Plan – Amended 24 March 2020 [excluding Site Plan] (Scales 1:1250, 1:100, 1:50, received 21 September 2020), has been fitted with fixed pane obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The obscured window shall then be retained in that condition thereafter in perpetuity.

Reason: In the interests of privacy, residential amenities and visual amenities.

Condition 7

No windows or openings at first floor or roof level (other than those shown on the plans hereby approved) shall be formed on the northern (towards Plot 1), eastern (towards 68b Heol Llanelli) or southern (towards 2 Cae Linda) elevations at any time without the prior written approval of the Local Planning Authority.

Reason: In the interests of privacy, residential amenities and visual amenities.

Condition 8

Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, Schedule 2, Part 1, no development within Classes A, B, C and E shall be carried out within the curtilage of the dwelling hereby approved without the prior written approval of the Local Planning Authority.

Reason: In the interests of privacy, residential amenities and visual amenities.

Condition 9

The garage hereby approved shall be kept available for vehicular parking associated with the new dwelling at all times and shall not be converted into habitable space without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety and residential amenities.

Condition 10

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Estate Road frontage within 2.0 metres of the near edge of the carriageway.

Reason: In the interests of highway safety.

Condition 11

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.

Reason: In the interests of highway safety and residential amenities.

Condition 12

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.

Reason: In the interests of highway safety and residential amenities.

Condition 13

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: 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.

Note 1

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

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

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

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

Note 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).

Note 3

The affordable housing contribution required in line with Policy AH1 of the Local Development Plan has been secured with the applicant entering into a S106 agreement/Unilateral Undertaking.

Application No	PL/00194
-----------------------	-----------------

Application Type	Full Planning
Proposal & Location	PROPOSED DEMOLITION AND SUBSEQUENT RECONSTRUCTION OF A THREE STOREY BUILDING TO PROVIDE COMMERCIAL USE AT GROUND FLOOR AND RESIDENTIAL AT THE UPPER FLOORS WITH ASSOCIATED PARKING AT 2, 4, 4A, 6 & 8 STEPNEY STREET, LLANELLI SA15 3UP

Applicant(s)	CARMARTHENSHIRE COUNTY COUNCIL
Agent	ASBRI PLANNING – RICHARD BOWEN
Case Officer	Robert Davies
Ward	Elli and Lliedi
Date registered	20/08/2020

Reason for Committee

This application is being reported to the Planning Committee as the County Council has a significant financial interest in the application.

Site

The application site consists of a group of vacant buildings located along the eastern end of Stepney Street in Llanelli, as well as an informal hardstanding area used for vehicular parking to the north of the buildings, and a formal 6 bay disabled parking area further to the north of that.

As aforementioned the site fronts on to Stepney Street, which is the main pedestrian thoroughfare running through Llanelli town centre, however due to its prominent corner position the site also has a frontage on to Market Street to the east with Park Street leading off in an easterly direction towards Y Ffwrnes and East Gate. The area to the north of the site is known as Mincing Lane, and the Tinopolis studios is an imposing building located to the immediate north east of the site. The Grade II listed Exchange Buildings is located on the opposite side of Market Street to the south east of the site.

The immediate area is primarily commercial in character due to its town centre location, however there are some existing residential uses on upper floors, for example in the Exchange Buildings opposite.

The site currently comprises the former Alitalia Italian restaurant, the vacant former opticians and the former YMCA charity shop. The Alitalia restaurant comprises three-storey building with a traditional pitched roof. The building has a frontage onto both Stepney Street to the south and Market Street to the east. The former optician unit is a vacant two-storey building, with both pitched and flat roof elements. Finally, the YMCA charity shop comprises a large two-storey flat roof building with a parapet frontage with a single storey flat-roof rear extension.

There used to be buildings located to the immediate north and attached to the Alitalia building in the form of terrace of properties that fronted on to Market Street, however these were demolished a long time ago and since that the area was used by customers of Alitalia as an informal car park. A number of the buildings that form part of the current application have been vacant for some time, have fallen into disrepair and are no longer fit for purpose, especially 4 & 4a.

Proposal

The application seeks full planning permission for the demolition of the buildings and the redevelopment of the site by constructing a three storey 'L' shaped building that fronts on to both Stepney Street and Market Street, and which will provide commercial uses at ground floor and residential on the upper two floors.

The internal layout makes provision for 5no. commercial units at ground floor of varying sizes (from 54sqm to 156sqm) and which will provide flexible spaces for A1, A2 and A3 uses. Each of the units will have its own shop front leading into the main retail space with their own back of unit store and staff welfare facilities. Four of the units will front on to Stepney Street, whilst Unit 5 has a dual frontage on to both Stepney Street and Market Street. Provision is also made for bin stores at the ground floor.

The upper two floors will consist of 10no. spacious two bedroom self-contained residential flats accessed via a staircase to the north eastern end of the proposed building, and a staircase and lift to north western section.

The proposed site plan indicates that 15no. car parking spaces, including 2no. disabled spaces are provided to the northern part of the site surrounded by a small landscape area. This landscape area has a role to play in the surface water drainage strategy as explained in more detail later on in this report. An area to accommodate an external bike stand is also provided.

The design of development proposed is purposefully contemporary in nature with a mixture of render, face brick, and pre-cast stone walling to the walls, slate grey tiles to the roof and grey aluminium windows, doors and shopfronts. The roof is pitched in nature with protruding gables, whilst the corner of Stepney Street with Market Street is of a chamfered design with protruding grey aluminium bay windows on the upper floors.

Members will have noted from the Planning History relating to the site there have been previous failed attempts to redevelop this site, and notably a much larger development of commercial ground floor space and 26 upper floor flats was approved in 2011 under planning reference S/18974. More recently a Prior Notification to demolish the buildings was granted under reference S/40112, and therefore demolition works can commence in advance of any decision being made on this planning application.

The application has been accompanied by the following supporting reports:-

- Pre-app consultation report;
- Bat Building Inspection and Activity Report;
- Historic Building recording;
- Flood Consequences Assessment;
- Design and Access Statement;
- Drainage Strategy Report;
- Demolition Method Statement and Risk Assessment.

The covering letter submitted with the application describes the Project Brief and Objectives of the development as follows:-

The proposed development will build on the success of the recent project at 10 & 12 Stepney Street completed through the Vibrant and Viable Places Opportunity Street programme. By providing further affordable commercial space on Stepney Street for new and growing businesses. This will encourage further footfall within the town centre and enhance the offer that is currently available.

The project will regenerate a key part of the town centre where properties are in a poor condition. The overall objective is to deliver new opportunities including the provision of up to 5 new and refurbished commercial units on the ground floor and 10 no. newly created 2 bedroom homes on the 1st and 2nd floors.

The County Council is proposing direct intervention due to a lack of private sector interest to deliver sustainable change in this area of Llanelli. Due to market conditions the County Council has over recent years acquired the above properties from the private sector in order to provide investment and deliver new provision and opportunities at affordable rates.

Further affordable commercial space on Stepney Street will be created for new and growing businesses. This will enhance the offer that is currently available and encourage further footfall within the town centre. As identified within Carmarthenshire County Council's Llanelli Town Centre Regeneration Delivery Plan 2018 there is a clear vision for the town centre as a location to live, work and visit. It will also strive to create a high-quality environment with an offer that is attractive and inviting to a mix of people. Providing an improved mix of commercial space and living accommodation will make this vision a reality. Within the delivery plan the redevelopment of sites and premises is identified as a key priority. The Market Street North development site is highlighted as a development opportunity at a pivotal point in the town centre which encapsulates the properties acquired through the former Opportunity Street project. This area provides the potential for a mixed use development which will link the core town centre with the newly established and modern East Gate development.

The longer term objective of the Market Street North project will be to contribute towards a reduction in the socio-economic problems that currently exist in the local area.

Regeneration funding is key to unlock the development site and without regeneration funding the scheme will not be delivered. The County Council has made applications for regeneration funds to be utilised in order to fund demolition, rebuild the core facilities and the provision of associated outdoor space (including parking). Without doing so the delivery of both housing and commercial space would not be possible.

The proposed development will have a number of short & long term impacts and benefits and clearly aligned with the objectives of the Well Being of Future Generations (Wales) Act 2015.

Short Term impacts and benefits

- *Provision of voluntary and training opportunities to individuals through the construction contract.*
- *Change of perception and clear opportunity for the public to see the regeneration impact being progressed for the town centre.*

Long term benefits and impacts

- *Increase in housing units for let at affordable values managed by CCC Housing.*
- *Increase in quality commercial provision within the town centre managed by CCC Property.*
- *Reduction in the number of vacant and underutilised properties and land within the town centre.*
- *Change of perception within the town centre and an understanding of direction of regeneration plans for all stakeholders.*
- *Increase in vibrancy and footfall within town centre.*
- *Further provision of employment space to support the provision of accommodation for new enterprises and jobs.*

The project aligns with the key objectives of the Well-Being of Future Generations Act 2015. The ultimate aim of the project is to ensure the future well-being of Llanelli town centre and its surrounding areas by ensuring that the vacant and underutilised properties are not left to deteriorate further, create employment opportunities, enhance the skills of the local population and provide further opportunity for urban living.

Planning Site History

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

PASAB/00078	Demolition of existing mixed use buildings from 2-8 Stepney Street. Larger plan area mixed use building to replace the existing	Pending
S/40112	Proposed demolition of buildings Demolition Notification granted	04 February 2020
S/38640	Change of use from A1 as existing to A2 use LDO Certificate of Conformity granted	12 April 2019
S/18974	Proposed 26 no. flat apartments & 1000 sqft ground floor office accommodation Full planning permission	20 September 2011
	S106 Signed Commuted Sum Play/Open Space/Existing Play	

S/08060	Demolition of existing buildings and proposed use of Classes A1, A2, A3 to ground floor and residential to upper floors Withdrawn	05 October 2004
S/03312	Shop fascia sign & projecting sign Full planning permission	30 October 2001
S/03311	Installation of new shopfront Full planning permission	30 October 2001
S/02126	Refurbishment and redevelopment of existing properties for new A3 use theme pub/restaurant Full planning permission	16 December 1999
S/00969	Construction of service road Market Street Improvements Phase I County Permission Under Regulation 3	28 November 1997

Planning Policy

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

SP1 Sustainable Places and Spaces
 SP2 Climate Change
 SP3 Sustainable Distribution – Settlement Framework
 SP5 Housing
 SP6 Affordable Housing
 SP8 Retail
 SP9 Transportation
 SP13 Protection and Enhancement of the Built and Historic Environment
 SP14 Protection and Enhancement of the Natural Environment
 SP17 Infrastructure
 SP18 Welsh Language
 GP1 Sustainability and High Quality Design
 GP2 Development Limits
 GP3 Planning Obligations
 GP4 Infrastructure and New Development
 H2 Housing within Development Limits
 AH1 Affordable Housing
 EMP2 New Employment Proposals
 RT1 Retail Hierarchy
 RT3 Secondary Retail Frontage
 RT4 Town Centre Zone
 TR2 Location of Development – Transport Considerations
 TR3 Highways in Developments – Design Considerations
 EQ1 Protection of Buildings, Landscapes and Features of Historic Importance
 EQ4 Biodiversity
 EQ5 Corridors, Networks and Features of Distinctiveness
 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

Head of Transportation & Highways – No objection subject to conditions.

Head of Public Protection – No objection subject to conditions.

Head of Housing - Has confirmed that the residential elements of the scheme will be owned and managed by the Homes and Safer Communities Division within the Council. These apartments will form part of the Council's housing stock and will be let as social housing at affordable rents in perpetuity.

Llanelli Town Council - No objection.

The Town Council welcomed the proposal to redevelop this gateway area of Llanelli Town Centre, a building on this site would have a significant impact on the town centre for many years to come and be a prominent fixture for generations. Concerns were however expressed that the design has little regard to its context and is compositionally poor with the design of the fenestration being specifically noted. It was also felt that the retail unit's frontage may not be suitable for the overall town centre context.

The Town Council is fully supportive of the redevelopment of this important building however agreed that these concerns should be raised with yourselves for consideration of possible planning conditions on an approval.

Local Member(s) – As the application site red line spans both the Elli and Lliedi electoral wards, the following Local County Councillors were consulted:-

County Councillor J P Jenkins has not responded to date.

County Councillor R James has not responded to date.

County Councillor S Najmi has not responded to date.

Sustainable Drainage Approval Body – No objection. Advise that SAB approval is needed.

Natural Resources Wales - No response received to date.

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

Dyfed Archaeological Trust – No response received to date.

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

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

Summary of Public Representations

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

No responses have been received to date.

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

Appraisal

Principle of development

The application site is located within the defined settlement limits of Llanelli and is within the defined town centre boundary as delineated within the Adopted Carmarthenshire Local Development Plan. As such there is no in-principle objection to the nature of the development proposed.

As aforementioned, Prior Notification approval has already been given to the demolition of the existing vacant buildings, whilst the principle of re-developing the whole site has been established by virtue of previous planning permission being granted, albeit not implemented.

The proposed development represents welcomed public sector intervention and investment, partly grant funded by Welsh Government, into a scheme that will deliver quality commercial units at ground floor that can support business start-ups and create jobs, and which will also provide affordable urban living units on the upper floors. It is considered that the proposed scheme is highly sustainable, and will provide a mixture of uses appropriate to such a town centre location that will positively contribute to vibrancy and footfall within the town centre throughout the day and night.

It effectively represents an extension of the concept which has been successfully implemented at 10/12 Stepney Street, and aligns well with the Llanelli Town Centre Local Development Order which seeks to reduce town centre vacancies and introduce uses compatible with such a town centre location.

Impact Upon Character and Appearance of the Area

As aforementioned, the current buildings are vacant, and as some of them have been vacant for some time they have fallen into disrepair and are no longer fit for purpose, especially 4 & 4a. Whilst the former Altalia building has some historical interest, the other buildings have little architectural merit or historical context.

No.2 Stepney Street, used to be the former Cambrian Hotel, and later the Barbican public house, and the adjacent property, No.4, was built in 1860 and recorded on the 1866 1st edition Ordnance Survey map. The Authority's Archaeological advisors, Dyfed Archaeological Trust, whilst favouring the re-use of the Altalia building, raised no objection to the approved prior notification for the demolition of the building provided that a building record survey was undertaken prior to such demolition works commencing. This has now been done.

In their response to a recent request to list the former Altalia building, Cadw advised that after completing their assessment of this building they have concluded that it does not meet the high standard necessary for listing. It is likely that this was seen and rejected for listing in 1991/92, when Cadw surveyed the community of Llanelli for historic buildings. Cadw considered it again in light of recent requests, but there is no new information or enhancement to the building to make a persuasive case for changing that decision.

The building is a three storey block with distinctive bow windows on upper floors and arched arcade on ground floor. Although the building has C19 origins, its existing external character reflects changes in the twentieth century which have undermined its integrity as a C19 building, but which are not of special interest in their own right as C20 interventions. The small-paned bow windows on the upper floors are likely mid-C20; and the arched ground floor most likely dates from the 1980s, when the building became a bar (the Barbican), having previously been a hotel (The Cambrian). Cadw therefore consider it is not of sufficient architectural interest to meet the criteria for listing.

As aforementioned, the principle of demolishing the building has already been established by virtue of the prior approval decision issued. In order to achieve a successful and comprehensive re-development of this site that will benefit the town centre as a whole, it is not considered feasible to retain the former Altalia building within such a re-development scheme.

The proposed new three storey building is considered to be acceptable in scale terms, compatible with the existing built form along Stepney Street. The purposeful contemporary aesthetic is considered to be acceptable in design terms and will enhance this prominent corner site without detracting from the setting or primacy of the Grade II listed Exchange Buildings opposite. The varying pallet of materials is considered appropriate within its context and will serve to break up the massing of the building.

Privacy Impacts

The application has been accompanied by a robust demolition method statement and risk assessment to ensure that the appropriate level of care is taken when carrying out the required demolition works, and in order to keep disruption to a minimum.

Whilst there will of course be an inevitable degree of noise and disruption during demolition and construction works, this will only be on a short term basis only. The completed development and end uses proposed are considered by be fully compatible with such a town centre location.

The Authority's Public Health section has raised no objection towards the proposed development from a noise perspective subject to the imposition of conditions on any planning permission granted.

Biodiversity Impacts

The application has been accompanied by a Bat Building Inspection and Activity Report which concluded that no evidence of roosting bats was discovered internally or externally. The buildings subject to the proposed demolition were considered to be of very low bat roosting potential. It was considered that no further survey works are required, and the applicant will not be required to apply for a European Protected Species (EPS) derogation license. It is however recommended that a precautionary approach should be adopted

towards demolition works and a condition to this effect can be imposed on any planning permission granted.

The LPA is awaiting a formal response from both NRW and the Authority's Planning Ecologist in relation to ecological matters.

Highway Impacts

Vehicular access to the site can be achieved from the north whereby the site is well connected to the main A484. A parking area will be provided to the rear of the buildings comprising of 15no car parking spaces to serve both elements of the proposed development. Given the site's proximity to local facilities and sustainable travel, the residential element would require one car parking space each, plus two for visitors. These standards are complied with. The informal hardstanding car parking area was only used by Alitalia customers and therefore there will be an improvement in this respect by formalising and surface delineating the spaces.

As aforementioned to the rear of the existing site at its northern most part lies an existing 6 space disabled car park which will be displaced by the wholesale redevelopment of the site.

The County Council as applicants, are extremely conscious of the fact that these disabled spaces cannot be lost as a result of the development and need to be relocated in accessible areas within the immediate vicinity of the proposed development. As such, it is understood that a scheme for the relocation of these spaces has now been agreed with officers of the Council's Highways Division in conjunction with members of the local Access group and the local Ward Member. A planning application submission for this car park is imminent.

The site is well served by pedestrian infrastructure. Stepney Street offers pedestrian-only access, while the site can also be accessed to the rear, with a footway/pavement providing a link along the eastern face of the property. A lane between Vaughan Street and Market Street provides further pedestrian links.

An area for the storage of bicycles is indicated on the proposed site plan, and is located to the rear of the building. The site is located within reasonable proximity to a number of major cycle routes including Route 4, Route 47 and the Millennium Coastal Path.

The main bus station for Llanelli is located at East Gate, a short distance (approximately 200m) to the south east of the application site.

The Authority's Head of Transport has raised no objection subject to the imposition of conditions on any planning permission granted.

Flood Risk Implications

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

development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

The application site is located within Zone C2 which is defined as 'areas of floodplain without significant flood defence infrastructure'. The proposed development represents a mixture of highly vulnerable and less vulnerable development as defined by TAN15.

TAN15 states that highly vulnerable development should not be considered in Zone C2 and that only less vulnerable development should be considered in Zone C2 subject to the application of the justification test, including acceptability of consequences. Therefore, whilst it is acknowledged that the justification test does not apply to the residential element of the scheme, it does apply to the commercial element. Therefore, the report will consider the scheme against the justification tests outlined in Paragraph 6.2 of TAN15 in order to establish the degree of compliance.

Paragraph 6.2 of TAN15 reads as follows:-

6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹; or,*
- ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

and,

- iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,*
- iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.*

In relation to criterion (i), the site and development proposals do assist with the delivery, and are part of local authority strategies relating to the delivery of both affordable housing and regeneration schemes. The site will deliver 10no. affordable housing units that will contribute to the aspirations of the Affordable Homes Delivery Plan 2016-20. From a regeneration perspective, the scheme is part of the Targeted Regeneration Investment fund programme by Welsh Government aimed at improving town centres. This is effectively a continuation of the former "Opportunity Street" programme (Welsh Government Vibrant and Viable Places) implemented along Stepney Street, whereby Carmarthenshire County Council acquired buildings and brought them back into beneficial use for commercial at ground floor and residential on the upper floors. The Opportunity

Street programme is specifically referenced in “Transformations – Strategic Regeneration Plan for Carmarthenshire 2015-2030”.

Therefore, the Local Planning Authority (LPA) considers that the proposed development will assist a local authority strategy, and thus criterion (i) is met.

The wording of Paragraph 6.2 requires only criterion (i) or (ii) to be met. Whilst the jobs created by the proposed development are welcomed and will contribute towards the job creation aspirations of Carmarthenshire County Council as outlined in its Corporate and Economic Development strategies, the LPA does not consider that the proposed development satisfies criterion (ii). There is no employment land allocation relating to this site in the Local Development Plan (LDP). Notwithstanding this fact however, as criterion (i) is met the LPA will proceed to assess the degree of compliance with criteria (iii) and (iv).

The first part of criterion (iii) refers to the aims of PPW. Paragraph 1.2 of PPW states that “the primary objective is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales”. In this respect it is considered that the proposed development does concur with the aims of PPW, especially the social and economic aspects. It also concurs with the placemaking objectives of PPW which through the creation of sustainable places will improve the well-being of communities. The proposed development will deliver an important town centre regeneration scheme that will result in both economic and social benefits to the wider community.

The second part of Criterion (iii) requires the site to meet PPW’s definition of previously developed land. Planning Policy Wales defines previously developed land as “that which is or was occupied by a permanent structure and associated fixed surface infrastructure”. In this respect the site does constitute previously developed land and therefore criterion (iii) is also met in its entirety.

The last of the criteria outlined in Paragraph 6.2 requires the potential consequences of a flooding event for the particular type of development to be considered and found to be acceptable. In this respect the application was accompanied by a Flood Consequences Assessment. This Flood Consequences Assessment (FCA) has been sent to NRW for consideration and a technical response is awaited.

The FCA states that Altalia currently has a basement. External ground levels at the site are generally 8.6m AOD, with finished floor levels currently between 8.7 to 9.14m AOD. The site is approximately 100m to south of where Afon Lliedi is culverted under the A484 and then runs down Mincing Lane. The flood risk to the site is therefore fluvial from the Afon Lliedi and not tidal.

The FCA states that the footprint of the new development is similar to that of existing and therefore no compensatory storage is proposed. The replacement of commercial units on the ground floor is largely on like for like basis, however it is opined that there is benefit in terms of no basement being proposed plus the new build allows an opportunity to introduce flood resilient measures into the design.

The more vulnerable residential uses are only proposed on the upper floors in order to mitigate the risk.

Whilst there are risks to the site, they are acknowledged in the FCA and through the mitigative measures outlined in the FCA there is potential to reduce the risk of flooding when compared to the existing situation.

Mitigative measures include raising finished floor levels as much as possible; physical internal design/flood resilience measures; producing a Flood Action Plan (including Evacuation and Safe Refuge Procedures); sign up to NRW flood warning service; only less vulnerable uses at ground floor as per the Local Development Order; no basement levels; appropriate signage including evacuation procedures.

The access and egress strategy adopted in the FCA is based on evacuation and safe refuge as it is acknowledged that access is unlikely to remain viable during flood events. The application site is within a flood alert area and the FCA states that the Afon Lliedi has approximately 12 hour response time from onset of storm, although actual warning time will be significantly shorter. The lead warning time for fluvial events is typically a couple of hours during which evacuation process could be enacted. For no notice events, the FCA states that upper floors could provide refuge.

The applicant has confirmed in writing that they acknowledge the risks of flooding associated with the site, and have also confirmed that as landlord of both the commercial and residential elements of the scheme, they will produce their own flood management plans, keep these updated and communicate these to future tenants. These properties would have historically been within separate ownership, and therefore by only having one future landlord this will allow for a more co-ordinated approach to managing and mitigating against flood risk.

As aforementioned, the LPA has yet to receive NRW's formal comments to the application however NRW has advised on the previous scheme at 10/12 Stepney Street, which involved bringing the ground floor of the building back into commercial use and the upper floors into flats. NRW also provided advice on the Llanelli Town Centre Local Development Order which allows for changes of use of buildings within the town centre to occur without the need for planning permission. The key requirement of the LDO from a flood risk perspective was that it only allowed for less vulnerable developments to be located at ground floor within Zone C2, with highly vulnerable developments having to be located on upper floors.

The application site is within the LDO area; however, it cannot benefit from the provisions of the LDO as it involves a new build development.

The LDO was informed by a strategic FCA and hydraulic model that were considered by NRW in 2018. The FCA highlighted that the majority of the LDO area was C2 and that it was at risk of fluvial flooding from the Lliedi River which runs through the town within a substantial culvert.

The FCA acknowledged the flood risks to the LDO area. It was indicated that the LDO did not comply with TAN15 tables A1.14 and A1.15, with potential flooding depths to certain areas of the town centre up to 1m in the 1:100 year event and 1.5m in the 1:1000 year event. Therefore, the FCA focussed on mitigating and managing the risk from flooding, especially through the management of vulnerability groups e.g. no highly vulnerable uses at ground floor within C2 with residential on upper floors only. NRW confirmed that they would be acceptable to this form of mitigation.

NRW supported the recommendations made by the SFCA that the location of the change of use proposals is informed by the vulnerability of the proposed use and risk of flooding at that location, particularly that highly vulnerable uses are located outside zone C2 where possible. TAN15 states that highly vulnerable development should not be permitted in zone C2. Table 3 in the SFCA provides a recommendation of the suitability of development types and NRW note that for those development classes which are highly vulnerable, the development will not be located on the ground floor or basement. Provided that proposals are in line with these recommendations NRW offered no objection to the LDO, however advised that the Authority must be satisfied that the proposal is acceptable in terms of flood risk particularly regarding access and egress considerations; and for emergency planning purposes.

Therefore whilst the FCA acknowledges, and the LPA accept that the proposed development does not comply with Paragraph 6.2 of TAN 15 in its entirety as it proposes highly vulnerable development within Zone C2, and also does not comply with the non-prescriptive elements of Table A1.14 and A1.15 of the same, the LPA are satisfied that there are overriding reasons for considering to grant planning permission contrary to national planning policy in this instance.

The proposed development represents public intervention in the form of an important regeneration scheme that is being supported through the Targeted Investment Fund programme aimed at improving town centres in Wales. Whilst the scheme involves new build and thus cannot benefit from the provisions of the Llanelli Town Centre Local Development Order, it is considered that the proposed scheme aligns with the LDO from a flood risk perspective as only less vulnerable uses are proposed at ground floor with the highly vulnerable element on the upper floors. There are clear wider social and economic benefits associated with the proposed development.

The wholesale re-development of the site, instead of re-use allows for measures to be included within the scheme to manage and mitigate against flood risk, including the removal of the existing basement within one of the buildings.

The LPA will await the technical flood risk response from NRW and this will be reported to Members of the Planning Committee in due course.

As the proposed development involves 10 residential flats within Zone C2, the application will need to be referred to Welsh Government under the Town and Country Planning (Notification) (Wales) Order 2012.

Drainage

In terms of drainage, the application was accompanied by a detailed Drainage Strategy. Notwithstanding this, as the proposed development is over 100sqm it is understood that separate SAB approval will be needed and this will need to be discussed separately with the SAB team.

In terms of the existing situation, foul drainage from the existing development drains to the main sewer. Existing surface water from roofs and hard paved areas enters an existing surface water system that ultimately discharges into the combined sewer.

The proposed foul sewerage will continue to be discharged to the mains sewer which is considered to be the most appropriate and sustainable method. In terms of dealing with the surface water however, as infiltration is not an option, it is proposed to remove all surface water connecting into the combined sewer and instead attenuate on site via a below ground storage tank and above ground bio retention basins in the landscaped area before connecting into a surface water sewer that discharges into the Lliedi River at Mincing Lane.

The proposed surface water strategy is considered acceptable in principle, subject to any separate consents required under SAB legislation, and will ensure that there is a significant gain by removing surface water from the combined system and achieving compliance with the CBEEMS Memorandum of Understanding.

With respect to the MOU, the applicant has been asked to provide some calculations in order that the LPA can update its drainage register.

Air Quality

As the proposed development site is located within the Llanelli Air Quality Management area, the Authority's Environmental Health Officer dealing with Air Quality matters has asked for a justification statement to confirm that the proposed development does not require an Air Quality Assessment. This justification statement should provide an estimation of the expected additional vehicle trips associated with the development. Clarification has also been sought on the routes for demolition and construction traffic. This has been requested from the applicant and the information received and response from Environmental Health will be provided in due course for Members' information.

Whilst the development proposes 10 residential units, 5 commercial units and 15 parking spaces within the designated AQMA area, the existing built form, established uses and car parking facilities must be acknowledged in this respect.

Environmental Health have requested the submission of a scheme for mitigation of dust, and this can be imposed as a pre-commencement condition on any planning permission granted.

Other Matters

The Authority's Strategic Housing Delivery Manager has confirmed that the residential elements of the scheme will be owned and managed by the Homes and Safer Communities Division within the Council. These apartments will form part of the Council's housing stock and will be let as social housing at affordable rents in perpetuity. The homes will be allocated to local people from the Council's waiting list. This provides acceptable confirmation that the affordable housing requirements of the LDP are met by the proposals.

In terms of historic coal mining activity, the Coal Authority confirmed at PAC stage that the proposed development is outside the defined Development High Risk Area and therefore no Coal Mining Risk Assessment is needed.

Planning Obligations

There is no S.106 required in this instance.

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

The determination of such a planning application is to be made in accordance with the development plan unless material considerations indicate otherwise. The appraisal has shown that the proposed development accords with the majority of LDP policies, however as it does not strictly comply with TAN15, Policy SP2 of the LDP is not adhered to.

In this respect, and as with all planning applications, an on-balance decision must be made taking into consideration a number of factors.

The Welsh Government in Chapter 5 of PPW defines Economic Development as:

“the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.” (Paragraph 5.4.1)

It goes on to state that:

“Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy” (Paragraph 5.4.2)

Paragraph 5.4.4 states that:

“Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration...”

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

The positive economic and regeneration benefits of this proposed development are important material considerations in the determination of this application. It involves the re-development of a brownfield site within a sustainable town centre location, and will reduce vacancy levels. There are also clear social benefits associated with the delivery of

affordable residential units and business start-up opportunities, and environmental enhancements by removing vacant buildings and replacing it with a new development up to modern day standards.

The site, scale and design of the proposed development is considered acceptable, and the contemporary design solution using a mixture of vernacular and modern materials is considered appropriate for this prominent site. The commercial use proposed at ground floor with residential above are considered appropriate for this location. The investment in this area of town, which is effectively located between the main town centre and the more modern developments at East Gate and Y Ffwrnes is welcomed, and will add to the vibrancy and footfall in this area and provide an important transitional development between the two.

It is considered that there are no loss of amenity issues associated with the proposed development, whilst the LPA has not received any statutory consultee objections.

Notwithstanding the identified conflict with Policy SP2 of the LDP and TAN 15, it is considered that there are benefits associated with the proposed development in terms of managing and mitigating flood risk in comparison to the existing situation. In considering this, and all other material considerations, it is considered that the proposal does comply with the LDP as a whole.

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, the application is put forward with a recommendation for approval subject to the following conditions and referral to Welsh Government under the Notification procedures.

Recommendation – Approval

Conditions and Reasons

Condition 1

The development hereby approved shall be commenced before the expiration of five years from the date of this permission.

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

Condition 2

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans received on the 10th August, 2020:-

- Existing location and site plans 1:1250; 1:500 @ A3 (005);
- Existing elevations 1:100 @ A1 (017);
- Proposed site plan 1:250 @ A3 (007);
- Proposed landscape works 1:100 @ A1 (01);
- Proposed ground floor GA layout 1:50 @ A0 (001-E);
- Proposed first floor GA layout 1:50 @ A0 (002-C);
- Proposed second floor GA layout 1:50 @ A0 (003-C);

- Proposed section AA 1:50 @ A1 (004-A);
- Proposed elevations and perspective views 1:100 @ A1 (006-H).

Reason: In the interest of visual amenity.

Condition 3

Prior to work commencing on the construction of the buildings hereby approved samples of the materials to be used in the construction of the external surfaces of the buildings must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

Condition 4

The planning permission hereby approved is for the use of the ground floor of the building for A1, A2 or A3 uses as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt as to the extent of this planning permission.

Condition 5

The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.

Reason: In the interest of highway safety.

Condition 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 Market Street Road frontage within 2.4 metres of the near edge of the carriageway.

Reason: In the interest of highway safety.

Condition 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.

Reason: In the interest of highway safety.

Condition 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.

Reason: In the interest of highway safety.

Condition 9

No development shall take place until a detailed Construction Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority and thereafter shall be implemented in full and as agreed.

Reason: In the interest of highway safety.

Condition 10

Before any development is commenced a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

Condition 11

During the demolition and construction phases, no noise generating works or demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays. As the proposed developments are situated in a mixed residential area, it is recommended to minimise noise disturbance that the construction work be undertaken in compliance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise and BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Vibration and/or its subsequent amendments.

Reason: In order to preserve residential amenity.

Condition 12

The rating level of sound emitted from any fixed plant or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.

Reason: In order to preserve residential amenity.

Condition 13

Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in

condition 12. The assessment shall be undertaken under the supervision of the Local Authority.

Reason: In order to preserve residential amenity.

Condition 14

In the event that Condition 12 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 12. These measures will then be implemented forthwith.

Reason: In order to preserve residential amenity.

Condition 15

The proposed residential accommodation shall be designed so as not to exceed the noise criteria based on current figures by BS8233 “good” conditions given below:-

- Dwellings indoors in daytime: 35 dB LAeq,16 hours;
- Outdoor living area in day time: 55 dB LAeq,16 hours;
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LMax);
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LMax).

Such detail and appropriate consequential noise mitigation measures shall have been agreed, in writing, by the Local Planning Authority and shall be implemented prior to occupation of the accommodation and shall be maintained as agreed thereafter.

Reason: In order to preserve residential amenity.

Condition 16

Prior to the commencement of development, a written scheme for the mitigation of dust should be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

Reason: In order to preserve residential amenity.

Condition 17

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details as contained in the Drainage Report received on the 17th August, 2020. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: 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.

Condition 18

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

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

Condition 19

The 10 affordable housing units hereby approved shall be provided and retained in perpetuity in strict accordance with the details provided in the email from the Strategic Housing Delivery Manager dated the 14th September, 2020.

Reason: To ensure compliance with Policy AH1 of the LDP.

Condition 20

The development should be undertaken in strict accordance with the recommendations made in Section 5 the Flood Consequence Assessment report received on the 17th August, 2020.

Reason: To manage and mitigate against the risk of flooding to the site.

Condition 21

The development should be undertaken in strict accordance with the precautionary recommendations made in Section 5 the Bat Building Inspection and Activity Report received on the 10th August, 2020.

Reason: In the interest of protected species.

Note 1

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.

Note 2

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.

INFORMATION ITEM

Application No	DNS/00427
-----------------------	------------------

Application Type	Development of National Significance (DNS)
Proposal & Location	DNS (DEVELOPMENT OF NATIONAL SIGNIFICANCE) – PROPOSED SOLAR PARK (DNS/3227364) INCLUDING PROPOSED CABLE ROUTE AT LAND EAST OF THE A48 AND LAND SOUTH WEST OF TYCROES, ADJACENT TO CLAWDD DDU SOLAR FARM, TYCROES, AMMANFORD, SA18 3RE

Applicant(s)	SPRING DEV 02 LIMITED – HUGO HOUSE
Agent	RENPLAN CONSULTING (ON BEHALF OF MI-GRID) – B LEWIS
Case Officer	Gary Glenister
Ward	Tycroes
Date of validation	02/09/2020

Introduction

Two Developments of National Significance (DNS) have been submitted to Welsh Government for solar renewable energy schemes within Carmarthenshire. The first near Llangennech and second near Tycroes. Under the DNS procedure, Carmarthenshire County Council is not the determining body, however it is a key consultee in the process.

The following is an information item regarding the Tycroes scheme which covers a site with land in the Tycroes and Llannon wards. The Llangennech scheme was reported to the Planning Committee for information on the 22nd September 2020 so this report only covers the Tycroes scheme.

As a consultee, this authority is required to produce a Local Impact Report (LIR) which is a technical report highlighting potential local impacts that will need to be assessed by the Welsh Government. If Planning Committee wishes to make representations expressing a view to Welsh Government it can do so under a separate cover by the 21st October 2020. This report is for information only and if Committee wishes to make observations to Welsh Government these can be noted and ratified in the minutes on the 20th October 2020.

The Head of Planning seeks delegated authority to submit the Local Impact Report on behalf of the Council.

The Proposal Overview

The scheme constitutes a solar farm with associated infrastructure. The design capacity is between 36-40MW of renewable energy with a Grid connection of 40MW available into the existing Heol Ddu sub-station. The best available technology will be used to maximise the output within this capacity.

It is estimated that the proposal would generate renewable electricity for over 15,290 average homes per year based on Ofgem typical consumption figures. This is which is equivalent to displacement of 10,665 tonnes of CO₂ per year or 426,600 tonnes over the 40 year operational lifespan of the scheme. The applicant equates this to removing 2,318 cars off the road based on 22mpg and an average of 11,500 miles per year.

Solar panels are proposed to be mounted on frames to form what are known as arrays. Arrays vary in length and have a height of 3.5m spaced so they have 4-5m clear space between them. They are orientated to the south with a tilt angle of 20-25degrees to horizontal to maximise solar gain. The sites are not flat, so the proposed arrays would follow the topography of the land as seen on the Clawdd Ddu site adjacent to Area 1.

Electricity generated by the solar panels feeds into inverters fixed to the underside of the frames which are connected by cable to transformers with approximately 8-10 cabinets located through the scheme. Cabinets are proposed to be 5m by 2.5m with a maximum height of 3m. From the cabinets, electricity is fed by cable to an on-site sub-station proposed on the site of the construction compound along the northern edge of the eastern site which in turn is proposed to feed directly to the National Grid at the sub-station at Heol Ddu to the north of the site.

The three sites are linked by cables which are proposed to be buried in 1.4m deep and 0.6m wide trenches. The cable route includes the A483 verge and land of sensitive ecological value so a combination of open trench excavation and sub soil horizontal drilling (HDD) is proposed to ensure the most sensitive solution in any given location.

The proposal is set within a 2.4m deer fence with CCTV cameras to provide surveillance.

In terms of delivery access, the three sites are independently treated with Areas 1 and 2 accessed via the A483 Trunk Road and Area 3 accessed via the A48 Trunk Road.

A scheme of landscaping and ecological management has been submitted which includes a matrix which calculates a net gain of 34.10% in habitat units and net gain of 22.95% in hedgerow units.

The application has been screened under the EIA regulations three times in the early stages of the process and as a result of amendments including the removal of sensitive parcels of land, has a negative screening and no Environmental Statement was deemed necessary under the EIA Regs. An environmental statement has not therefore been submitted for assessment. However, it is noted that the topics that would have been included in an ES have been covered separately for assessment. The main material considerations are highlighted below.

The Site

The application site totals 46.8ha and is split into three parcels of land referred to as Area 1, 2 and 3 described below.

Area 1 is a 24ha parcel of land forming the eastern site which is 0.5km to the south west of the current built up area of Tycroes. This site is currently improved grazing land and forms an extension to the 12MW Clawdd Ddu solar park that was constructed in approx. 2014. The site is set within defined hedgerow boundaries. The site is relatively close to the A483 and settlement of Tycroes, however is on falling land so faces away from the main public views. There is however a road to the South East and footpaths crossing through and near the site, so it is subject to public view. The site is also visible from the higher ground to the South East which falls outside the County boundary which is defined by the River Loughor. The impact of the site is likely to be similar to the adjacent Clawdd Ddu in terms of landscape and visual amenity, so an assessment can be made by looking at the adjacent development.

Access to Area 1 is proposed to utilise the access route that was used to serve the Clawdd Ddu solar farm that was developed approx. 6 years ago. This is a farm access which joins the A483 opposite the eastern most part of Coopers and runs in a southerly direction to the East of Tycroes Business Park.

Area 2 is a 1.8ha parcel of land forming the central site to the south west of Coopers. The site is an area of improved grassland within defined hedgerow boundaries. The site is the remnant of a larger parcel of land that was proposed to be included but reduced in size due to suitable Marsh Fritillary habitat being identified through the earlier stages of the process. The site is therefore a small stepping stone between the two main sites.

Access to Area 2 is proposed onto the A483 via a wide existing access which serves a residential property to the South West of Coopers.

Area 3 is a 21ha parcel of improved grazing land forming the western site situated to the East of the A48, 1.5km North of Pont Abram roundabout. The site lies between the Greenaway site to the North which has a waste transfer station and other commercial businesses, the A48 dual carriageway to the West and open countryside including a wooded river valley to the East and South. The site wraps around the North and West of the property known as Ty Isaf.

Access to Area 3 is via an existing junction onto the A48 which serves a property known as Ty Isaf, immediately north of an established rest area with cafe. This junction is accessible from the north and south albeit north bound traffic would have to cross the opposing carriageway. Egress from the junction can only be in a southerly direction.

The cable route is a linear feature which links the three Areas and goes on to link the scheme to the National Grid via the Heol Ddu sub-station. The route crosses areas of woodland including a river and also utilises a stretch of Trunk Road verge along the A483.

Public Engagement

The applicants have sought pre-application advice from the local planning authority and have carried out the pre application consultation process.

The applicants have undertaken a public consultation event in Tycroes Village Hall. Eight residents left comments, with the responses generally favourable however there were two objections from one resident, namely the location and the scale of the proposal.

The submission includes a Consultation Statement that sets out the public and technical consultation responses and includes the material used in the consultation event.

The Material Considerations

Climate Change

There is general support for renewable energy in local and national policy and guidance, provided all other matters are satisfactorily addressed. The policy framework is set out in the submission. The Welsh Government has set targets for renewable energy production which it is seeking to achieve and Carmarthenshire County Council has itself declared a climate emergency and is seeking to be a net zero carbon local authority by 2030.

The principle of generating renewable energy is therefore well established in both Wales and Carmarthenshire provided it is in the right place and the impact is not so great as to clearly outweigh other considerations. It will therefore be the role of the Council as consultee, to highlight any local impacts so that Welsh ministers can assess them and determine the scheme in accordance with national policy and guidance.

Landscape and Visual Impact

The scheme is set on 46.8ha of land split between three sites. Area 1 is an extension to the Clawdd Ddu solar scheme so the impact is easy to assess as there is a visual reference to follow. Area 2 is small and within defined boundaries, so the impact is seen within the context of the larger development to the East but standing alone, is likely to be small within the overall landscape. Area 3 whilst close to the public domain is largely screened from public views so needs to be assessed in terms of its own merit rather than wider public landscape impact. All three Areas will have a localised impact on the local landscape and Area 1 will need to be assessed cumulatively in terms of potential wider impact.

It is noted that the site does not fall within any local or nationally defined designated landscape so the merits need to be assessed at a local level. The site is however close to and visible from 3 out of 4 special landscape areas which are local designations within 5km of the site. A landscape and visual assessment has been carried out and submitted as part of the application, including zones of theoretical visibility and photo montages produced to aid this assessment.

Residential Amenity

An assessment of residential amenity has been undertaken by the developer.

7.3.20 of the Design and Access Statement states “The application site Areas referred to as Areas 1, 2 and 3 are all considered appropriate locations for a solar (PV) development. The land is predominantly screened by the surrounding topography from the nearest residential properties. The site also benefits from extensive mature screening along its perimeters.”

Highways

The Transport Statement includes details of construction traffic over an anticipated 18 week construction period. All three Areas are accessed off the Trunk Road Network with management needed at junctions and access roads. It is proposed to deliver panels in 12m containers using HGV lorries and the frames on suitable commercial vehicles with a max length of 16.8m.

Panels, frames, fences and transformers etc. for Area 1 and 2 are proposed to be delivered to a compound in Area 1 and smaller vehicles used to double handle panels for Area 2. It is proposed to manage deliveries so that there is no conflicting lorry movements on the route from the A483 junction. Area 3 is proposed to have its own construction compound accessed off the A48 with a 'left in left out' arrangement to ensure traffic does not cross the opposing carriageway. Again, a managed system is proposed so that there is no conflicting lorry movements with use of 'Banksman' to control junctions. Wheel wash facilities are proposed to be provided at each site.

Details of delivery route etc are also set out in the Construction Environmental Management Plan.

During the operational phase, it is anticipated that visitors would use a 4x4 or commercial van for management and maintenance of the site.

Environmental Impacts

As stated above, a formal Environmental Impact Assessment was not deemed necessary under the EIA Regs, however the applicants have submitted a suite of documents to address environmental impacts that will be scrutinised as part of the determination process. These are summarised as follows:

Preliminary Ecological Appraisal

A separate appraisal has been submitted for both the operational sites and the cable route that connects them. These assess the ecological implications by way of desktop study and field survey. Generally, all three sites are improved agricultural grassland with relatively low ecological value, surrounded by species rich mature hedgerows. Records show there are instances of protected species (Bats, Badger, Dormice, Otter, Water Vole, Snakes and Lizards and Marsh Fritillary) within 4km of the site.

The appraisal includes a set of recommendations based on the principles of Avoidance, Mitigation and Compensation as a last resort as follows:-

Species Rich Hedgerows

General protection with a 7m buffer to external boundaries and 5m for internal hedgerows. The exception to this is a small amount of hedgerow loss to provide access to Area 2 which requires compensation with new hedge planting and a larger buffer of 10m to woodland in Area 3.

Running Water

There is a stream passing Area 3 and it is proposed to be protected by formation of a minimum 7m buffer zone.

Badgers

It should be noted that there where badgers have been identified within 4km of the proposal, the impact has been assessed in an appropriate manner and measures put in place during construction to ensure permeability and avoid animals being trapped where they can currently roam freely. A 20m buffer is proposed between any sett and the proposed development.

Bats

Any construction lighting would be directed into the site and away from woodland and hedgerows. Area 3 which is closest to woodland is proposed to have 20 bat boxes installed.

Dormice

The nature of the field enclosures being surrounded by species rich hedgerows is such that parts of the site have suitable dormouse habitat. It is noted that buffer zones are proposed around hedgerows so that damage to species and habitat is avoided.

Nesting Birds

As above, the field enclosures are bounded by species rich hedgerows which are proposed to be fenced with buffer zones so any nesting birds would be protected. However, any works that could potentially affect any nesting birds is proposed outside the nesting season, or if this is not possible, under the supervision of a qualified surveyor. Area 3 which is closest to woodland is proposed to have 20 nest boxes installed in the woodland.

Marsh Fritillary Butterfly

A Habitat Regulations Assessment has been carried out. The scheme has been amended in its early phases to avoid suitable habitat and methods of forming the cable route have been adopted to avoid harm to habitat. It is noted that part of the proposal is within the Caeau Mynydd Mawr SPG area but a contribution under the Caeau Mynydd Mawr SPG is considered unnecessary. This will be scrutinised through the application process.

Habitat

It is proposed to enhance the buffer zones by increasing the biodiversity to form species rich grassland. This is proposed to be maintained and managed for biodiversity.

The ecological and biodiversity calculator has been used to assess net gain or loss, and this has come out with a net environmental gain overall. This will be scrutinised as part of the determination process.

A Landscape and Ecology Management Plan (LEMP) has been submitted which gives details of how the above is proposed to be implemented and thereafter managed.

Arboriculture Impact Assessment & Method Statement

A detailed survey has been carried out of trees and hedges. This includes a survey of both shadow from trees and a protection plan so the scheme has been designed to avoid negative impacts.

Heritage Impact Assessment

The site does not directly affect Listed Buildings or Scheduled Ancient Monuments (SAM). However, given the scale of the proposal it is moderately close to a small number of Listed Buildings, namely Plas Newydd Mill to the South of Area 3 and Plas Mawr (formerly Cwrt y Ceidrim) to the South East of Area 1 however there is intervening vegetation and countryside. The proposal is also visible at a distance from the uplands to the South East beyond the County boundary which has several SAM including standing stones and burial chambers.

The submission also includes the following:-

Planning Statement
Design and Access Statement
Consultation Report
Landscape and Visual Impact Assessment
Glint and Glare Study.
Construction Environmental Management Plan (CEMP)
Coal Mining Risk Assessment

Conclusion

The proposal is on a large scale and Area 1 in particular would be seen in conjunction with the existing Clawdd Ddu solar farm. Any potential impact will have to be weighed against local and national policy and targets on renewable energy in light of the climate emergency declared by the Council on the 19th February 2019. The Local Impact Report will highlight local impacts and will be scrutinised by the Planning Inspectorate on behalf of Welsh Ministers who will determine the application. The determination procedure will be agreed once this consultation period is completed and the representations have been assessed.

Should Committee wish to make a representation independently of the LIR it can do and any comments made by Committee will be compiled and minuted so they are ratified on the 8th October Committee and passed on the Planning Inspectorate under a separate cover from the LIR. Any representations from individual Local Members need to be submitted by the 9th October.

Recommendations

- 1 To note this information report and give the Head of Planning delegated authority to submit a Local Impact Report.
- 2 To consider whether it wishes to make a representation separately from the LIR and if so, comments will be compiled and minuted for submission as a representation.