

**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Lle a Seilwaith**

**Report of the Head of Place  
and Sustainability  
Place and Infrastructure**

**26/09/2023**

**I'W BENDERFYNU  
FOR DECISION**

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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>26/09/2023</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>PL/04430</b>	<b>Residential Development at Land off Heol Y Parc, Hendy, Swansea, SA4 0XZ</b>
<b>PL/05250</b>	<b>Proposed change of use from B1 (offices) to D1 use (wellbeing centre) at Dragon 24, Traeth Ffordd, Llanelli, SA15 2LF</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>PL/04430</b>
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<b>Application Type</b>	Outline planning consent - some matters reserved
<b>Proposal</b>	Residential Development
<b>Location</b>	Land off Heol Y Parc, Hendy, Swansea, SA4 0XZ

<b>Applicant(s)</b>	Griffiths Waste Management Limited
<b>Agent</b>	Evans Banks Planning Limited - Richard Banks
<b>Officer</b>	Zoe Baxter
<b>Ward</b>	Hendy
<b>Date of validation</b>	29/07/2022

## Reason for Committee

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

## Site

The application site comprises a roughly rectangular shaped parcel of land located off Heol Y Capel. The site is bordered to the north by Clos y Wern residential estate, Heol Y Parc to the east, Heol Y Capel to the south with residential dwellings beyond and open fields to the west. The site is within the defined development limits and allocated within the Local Development Plan (LDP) under reference. T3/7/H2 for 5 dwellings.

The site comprises vacant grassland with established hedgerows run along its southern and eastern boundary with a number of mature trees on the western and northern boundary. A small watercourse runs parallel with the northern site boundary. A retaining wall lies along the northern boundary also between the site and residential dwellings of Clos Y Wern which are situated at a higher level. The neighbouring properties within Clos Y Wern predominantly consist of two storey detached properties and detached bungalows along Heol Y Parc.

## Proposal

The application seeks outline planning permission for residential development with details of access provided and all other matters reserved. Appearance, layout, landscaping and scale of the proposal are reserved for future consideration. Nevertheless, in line with the requirements the application is supported by an indicative Site Layout Plan which includes access arrangements and seeks to show how the site could be developed for the proposal including potential layout within the site. The site layout plan shows development of 7 residential properties at the site in linear formation fronting onto the unclassified U2301 road.

The plan shows 7 detached properties, 4 of which also have semi-detached garages with neighbouring plots. Driveway with car parking is proposed to the front/side of each property with a designated garden area to the rear.

To the north of the site a 7m ecological buffer is retained from the small watercourse with existing trees and vegetation maintained on this boundary with additional hedgerow planting at the edge of the buffer adjoining the gardens. The front boundary shows the existing hedgerow is proposed to be translocated to accommodate the road widening and new pedestrian footpath proposed on the lane.

The outline scheme allows for three housetypes, minimum and maximum parameters for each housetype have been provided and have been reduced from the original submission. The parameters are now proposed as follows:

	<b>Plots 1&amp;2</b>	<b>Plot 3</b>	<b>Plots 4-7</b>
Width	min 5.0m / max 5.5m	min 6.8m / max 8.2m	min 7.5m / max 9.5m
Depth	min 8.3m / max 9.0m	min 8.3m / max 9.0m	min 8.8m / max 11.0m
Height	min 7.2m / max 8.0m	min 7.2m / max 8.0m	min 7.2m / max 8.0m

The Planning, Design and Access Statement submitted with the application refers to the dwellings being two storey properties a mix of 3- and 4-bedroom units. No further details on the size and design of the properties are provided, scale and appearance being reserved matters for future consideration.

The application has been accompanied by a suite of plans and the following supporting documents/information:

- Planning, Design and Access Statement
- Preliminary Ecological Appraisal
- Transport Note
- Arboricultural Report and Tree Survey
- Himalayan balsam Method Statement
- Japanese Knotweed Management Strategy
- Flood Consequence Assessment Report

## Planning Site History

The following applications have been submitted at the site:

PL/02016 - Residential development - Outline Refusal - 21/2/2022

## Planning Policy

In the context of the Authority's current Development Plan the site is within the defined development limits of Hendy as contained in the adopted Local Development Plan (LDP). It is allocated for residential development under Policy H1 and falls under site reference. T3/7/H2 in the Plan. Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP3 Sustainable Distribution- Settlement Framework

SP5 Housing

SP6 Affordable Housing

SP14 Protection and Enhancement of the Natural Environment

SP16 Community Facilities

GP1 Sustainability and High Quality Design

GP2 Development Limits

GP3 Planning Obligations

GP4 Infrastructure and New Development

H1 Housing Allocations

AH1 Affordable Housing

EQ4 Biodiversity

EQ5 Corridors, Networks and Features of Distinctiveness

EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – No objection subject to conditions and advising that the developer will be required to enter into a Section 278 Agreement of the Highways Act 1980 to carry out the works/improvements.

**Environmental Health Land Contamination** – no objection to the proposal, nevertheless given the presence of a historic commercial / industrial land use immediately to the north of the site conditions relating to further assessment is recommended.

**Sustainable Drainage Approval Body (SAB)** – advise that part of the site is located within a Surface Water and Small Watercourse- Flood Zone 3 on the new Flood Map for Planning (FMfP). Advise their concerns have now been addressed following submission of Flood

Consequences Assessment. Nevertheless, separate SAB approval is required for the proposed development prior to commencement of development.

**Tree Officer** – confirmed the information submitted is adequate and has no objection subject to a condition requiring submission of a Watching Brief prepared by an Arborist.

**Planning Ecology** – no objections subject to conditions and advice provided in relation to sensitive felling procedures.

**Forward Planning** – highlight site's allocation for residential development within the Adopted Local Development Plan and advise of relevant policies.

**Strategic Housing & Delivery** – confirm the ward of Hendy is an area of high housing need.

**Llanedi Community Council** – Strong objection and recommend refusal on basis of loss of important wildlife corridor, pollution, loss of ancient hedgerow, highway safety concerns due to position of access and recommend site visit with Natural Resources Wales.

**Local Member(s)** - Councillor Gareth Thomas is a member of the Planning Committee and has commented requesting a site visit by Planning Committee given the high number of objections received.

**Natural Resources Wales** – raised concerns with the proposal but advise that these can be overcome by including a condition relating a Construction Environmental Management Plan.

**Dwr Cymru/Welsh Water** – No objection subject to conditions requiring submission of potable water scheme prior to commencement of development.

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

## Summary of Public Representations

The application was the subject of notification by way of neighbour notification letters and site notices displayed in the vicinity of the site.

Over 75 representations were received, all objecting, and the matters raised are summarised as follows:

- Destroying greenfield site and loss of habitat
- Save green land and trees
- Existing trees have already been lost
- Proposal does not meet the requirements or aspirations of Carmarthenshire's "Nature Conservation and Biodiversity" guidance document
- Attempts have been made to clear the site illegally
- Land is unsuitable with knotweed on site
- Invasive species surveys undertaken outside of the 'optimal' survey season
- Adverse impact on water quality
- Ecological surveys were carried out after land had been cleared
- Land has been designated as open space and restrictions against development
- Existing litter problem
- Less recreational space available



- Infrastructure and services cannot cope with additional houses
- Existing traffic and congestion problems
- Unsuitable access
- Access lane is used by farmers and large agricultural vehicles
- Insufficient parking proposed
- No nearby bus route
- Unsafe pedestrian access/links – no pavement on parts of main road
- Drainage concerns
- Surface water concerns from existing watercourse
- Overlooking and loss of privacy – new houses will be overlooked by existing houses
- Impact on residents right to light and air
- Disturbance to existing residents
- Overhead power lines through the site
- Area needs more affordable homes and not executive houses
- Development is excessive and not in keeping with locality
- Proposal for 7 houses contravenes LDP allocation
- Draft Revised LDP identifies issues with deliverability of the site and proposes to remove the allocation
- If Revised LDP had not been delayed due to Covid the site would have been removed
- Development of the site would set harmful precedent for countryside development
- Not notified of planning application and notices have not been displayed

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

## Appraisal

### Principle of development

The principle of residential development at the site has previously been accepted through the site's allocation within the Adopted Local Development Plan (LDP) for 5 dwellings (reference. T3/7H2) following independent examination of the Plan by an Inspector. The current application seeks outline consent for residential development at the site.

The site is also located within the defined development limits of Hendy and is situated adjacent to existing residential development. The site is located within the Hendy Local Service Centre in the sustainable settlement framework of the LDP whereby it is located on or near to sustainable transport corridors and is identified to possess a wide range of local facilities and services which have a local community focus.

In terms of the comments that the site is not proposed to be reallocated as part of the forthcoming Revised Local Development Plan (RLDP). This plan is still in the process of being prepared and has not yet undertaken examination. As such, the current development plan for the County is the Adopted LDP and applications are to be determined in accordance with the development plan alongside material considerations.

As such, it is considered that the principle of residential development at the site has been accepted.

### Highway Impacts

One of the main concerns raised in relation to the application and proposed development relate to highway safety concerns. These are largely linked to the narrow width of the existing

road network to the south of the site and the issues associated with this. Concerns are also raised in relation to the junction of the lane with Heol Y Parc along with existing congestion and high traffic levels in the area.

The Head of Highways and Transport has reviewed the current and previous application submission in detail and requested amendments and additional information to be provided in support of the proposed development. A Transport Statement and plans have been submitted showing the inclusion of a pedestrian footpath along the entire site frontage of the lane and linking up with the existing footpath on Heol Y Parc. In addition, the existing carriageway is proposed to be widened. This will improve the existing road network and allow it to provide adequate access to serve the proposed development.

Following review of the plans and Transport Statement, the Highway Planning Liaison Officer has raised no objection to the proposal from a highway capacity or safety perspective. He is satisfied that the likely additional traffic can be safely accommodated on the local highway network and that the proposed new accesses can be adequately designed to serve the development and meet the required standards. The Officer has requested a number of conditions to be imposed on any permission granted and advised that the majority of the works/improvements required would be subject to a Section 278 Agreement of the Highways Act 1980.

#### Biodiversity Impacts

A number of objections received relate to loss of trees and wildlife on site. The application has been supported by a Preliminary Ecological Appraisal, Arboricultural Report and Tree Survey, Himalayan balsam Method Statement and Japanese Knotweed Management Strategy.

There is a 7m ecological buffer zone proposed along the northern boundary of the application site as required by LDP policy EP1. A new hedgerow is also proposed to be planted along the end of the buffer zone to promote biodiversity. The existing roadside hedgerow along the site frontage is largely proposed to be translocated within the site to provide the new frontage to the site, with the exception of access points. To compensate additional hedgerow planting is proposed along the western boundary. Bird and bat nesting/roosting boxes are also proposed to be incorporated on each of the new dwellings.

Following review of the submission details, NRW advise that their concerns can be addressed through condition. Given the proximity of the site to the River Gwili on Loughor there is potential for pollution from silt during the construction phase. As this links up with Carmarthen Bay and Estuaries Special Area of Conservation (SAC) further downstream, NRW advise that a Construction Environmental Management Plan (CEMP) is provided. This is included as a condition should planning permission be granted.

Planning Ecology have confirmed no objection to the proposal subject to conditions relating to biodiversity enhancement scheme being submitted as part of the reserved matters application, details of any external lighting and mitigation set out in aforementioned reports being carried out.

#### Flood Risk Implications and Drainage Matters

The site is located within Flood Zone 1 on the Development Advice Maps (DAM), where new residential development is typically directed to by Welsh Government Technical Advice Note

(TAN) 15. However, part of the site falls within a Surface Water and Small Watercourse- Flood Zone 3 on the new Flood Map for Planning (FMfP) prepared by Natural Resources Wales (NRW). As a result, the Authority's Sustainable Drainage Approval Body (SAB) has requested further details of how surface water drainage will be managed. Following submission of the Flood Consequences Assessment (FCA), the SAB team have advised that their concerns have been satisfied. Nevertheless, the development will require separate SAB approval prior to the commencement of development.

Dwr Cymru Welsh Water have also raised no objection subject to imposition of a condition relating to submission of a detailed potable water scheme for the site prior to commencement of development.

Objections received raise concerns regarding flooding at the site. However, on the basis of the submitted information and no objections being received from statutory consultees the LPA has no issues regarding flood risk.

#### Impact upon character and appearance of the area

The scale and appearance of the dwellings is reserved for future consideration, alongside access, layout and landscaping. The application is accompanied by a Proposed Site Layout which shows an indicative layout for the site comprising 7 dwellings and also minimum and maximum parameters for the dwellings.

The parameters proposed allow for sizeable, detached dwellings on site and have been amended and reduced from the original submission. The reduced parameters are considered suitable to ensure that dwellings along with adequate garden and amenity space and parking can be provided. Parameters for plots 1&2, shown on the indicative layout to the east of the site have smaller width to account for the narrowing of the site towards its eastern boundary. Although the indicative layout shows 7 dwellings on the site, it is considered that a final layout, taking account of the buffer zone, may be more appropriate at a lower level with only 5/6 dwellings to achieve appropriate and desirable dwellings and garden spaces. As such, a condition is proposed restricting the maximum number of dwellings permitted to 7.

Further details concerning the appearance and layout will be considered under a future reserved matters application.

#### Privacy Impacts

Concerns are also raised in relation to the difference in site levels and the potential for overlooking and loss of privacy. At present the position, design and appearance of the dwellings is not provided. This will be submitted as part of a subsequent reserved matters application. At this time, the siting of the dwellings within the site alongside positioning of windows etc will be reviewed in detail to assess any privacy implications. In addition to the reserved matters, a condition is also proposed to be imposed requiring submission of site sections and finished floor levels to ensure the development does not adversely affect the character and appearance of the area or result in a detrimental impact on residential amenity as required by Policy GP1. Furthermore, the existing boundary to the north will be retained and a 7m buffer is proposed along the boundary from the watercourse with additional hedgerow planted at the end of the buffer which will provide further screening of the site.

## Other Matters

A number of objections received make reference to the impact of the development on local infrastructure and services. The impact of the proposed development on existing village infrastructure has previously been considered through the site's initial allocation within the Local Development Plan. The outline application seeks permission for residential development, with 7 no. dwellings shown on the indicative layout. A condition is proposed to be included on any permission granted restricting the site to no more than 7 dwellings. Development of the site for an additional 7 properties is not considered to have an adverse impact on existing facilities and services. The impact on the highway network has been reviewed and assessed by the Highway Authority as covered previously. As identified below, a financial contribution will be provided in respect of the development towards improvements to affordable housing. Given the proposal is situated within the 10% affordable housing market area, a financial contribution of 0.7 is sought in line with policy position.

The concerns raised regarding the incorrect red line site area have since been addressed through submission of an amended site location plan with the correct site area identified. Full re-consultation was carried out following receipt of the revised plans.

In terms of the comments regarding noise pollution, the site is situated within development limits and is positioned between existing residential development. The creation of up to 7 no. new dwellings is not considered to result in an unacceptable level of noise.

Comments made in relation to the development having a detrimental impact on house value, this is not a material planning consideration. The Local Planning Authority is not aware of any such restriction or covenant on the land restricting residential development.

## **Planning Obligations**

The applicant has agreed to enter into a Section 106 legal agreement to provide the necessary contribution toward affordable housing as required by Policy AH1 of the Local Development Plan. This will be drafted and agreed with the Authority's legal department.

## **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, together with the representations received to date, it is concluded on balance that the proposal represents an acceptable form of residential development. The site is allocated for housing and situated within the defined development limits of the Adopted Local Development Plan. Therefore, there is no in principle objection to residential development at the site.

The application is outline with all matters reserved for future consideration. In line with the requirements the application has been supported by an indicative site layout and proposed parameters for the dwellings on site. The submitted information is considered to be compatible for the site and general character of the area in line with Policy GP1 with further details regarding access, appearance, landscaping, layout and scale to be submitted. Although access is a reserved matter, given the site's location and condition of Gypsy Lane, the Highway Authority have requested a number of conditions are attached to the outline permission to ensure acceptable access arrangements can be secured. Details concerning siting, scale and appearance will be considered alongside the impact on amenity of adjacent occupiers as part of a future reserved matters submission.

Ecological impacts have been assessed and NRW have confirmed no objection subject to conditions. Planning Ecology have also confirmed no objection subject to a number of conditions. Relevant conditions are imposed with additional information and protection schemes required to be submitted prior to commencement of any development on site. A detailed drainage scheme is required to be submitted and approved by the Authority and DCWW and SAB approval will also be required prior to commencement of development.

The development will deliver benefits to the local community in the form of a financial contribution toward affordable housing in line with Policy AH1.

In light of the foregoing, the proposed development complies with the general policies and sustainability objectives of the Local Development Plan and National Planning Policy.

Therefore, the application is put forward with a favourable recommendation subject to the below conditions and the successful completion of a Section 106 Agreement securing the community benefits outlined above.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of five years from the date of this outline planning permission;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

#### **Condition 2**

The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

*Reason:* The application is in outline only.

### **Condition 3**

Development shall not commence until detailed plans of the layout, scale, appearance and landscaping of the development, have been submitted to and been approved in writing by the Local Planning Authority.

*Reason:* In the interests of visual amenity.

### **Condition 4**

The land subject to this permission is as identified on the Site Location Plan scale 1:1250 and Indicative Site Layout Plan (drawing no. EB-01) received 26 July 2022.

*Reason:* For the avoidance of doubt.

### **Condition 5**

The buildings hereby approved shall be limited to the following scale parameters:

Plots 1&2:

Width: 5.0m – 5.5m  
Depth: 8.3m – 9.0m  
Height: 7.2m – 8.0m

Plot 3

Width: 6.8m – 8.2m  
Depth: 8.3m – 9.0m  
Height: 7.2m – 8.0m

Plots 4-7:

Width: 7.5m – 9.5m  
Depth: 8.8m – 11.0m  
Height: 7.2m – 8.0m

*Reason:* For the avoidance of doubt or confusion as to the extent of the permission hereby granted and in the interests of visual amenity – Policies SP1 and GP1 of the adopted Carmarthenshire Local Development Plan.

### **Condition 6**

Any reserved matters application shall be accompanied by full cross sections, finished floor levels and means of enclosure so that the proposal can be seen in the context of the road and the surrounding dwellings.

*Reason:* In the interests of visual amenity.

### **Condition 7**

The permission now granted is an outline planning permission for up to a maximum of 7 no. dwellings on site.

*Reason:* To confirm the extent of permission and ensure suitable scheme for the site.

### **Condition 8**

Plot 1

The new vehicular access shall be laid out and constructed strictly in accordance with Typical Layout No. 1 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

Plots 2-7

The new vehicular accesses shall be laid out and constructed strictly in accordance with Typical Layout No. 4 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter they shall be retained, unobstructed, in this form in perpetuity.

*Reason:* In the interests of highway safety.

### **Condition 9**

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 U2301 Road frontage within 2.4 metres of the near edge of the carriageway.

*Reason:* In the interests of highway safety.

### **Condition 10**

Prior to any use of any of the accesses by vehicular traffic, visibility splays of 2.4 metres x 43 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of each access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

*Reason:* In the interests of highway safety.

### **Condition 11**

Prior to the commencement of development, the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of each plot, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented 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 parking or turning facilities is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety.

## **Condition 12**

The development herewith approved shall not be occupied until the speed limit on the U2301 along the site's entire road frontage has been reduced to 30mph.

*Reason:* In the interests of highway safety.

## **Condition 13**

Prior to commencement of any part of the development, the required carriageway widening, and footway improvement works along the U2301 road fronting the entire site shall be carried in accordance with Appendix A Highway Layout Plans of the submitted Transport Statement dated 4th October 2021 (Drawings SK01 & SK03). This work shall be completed to the written approval of the Local Planning Authority, and to the specification of the Local Highway Authority.

*Reason:* In the interests of highway safety.

## **Condition 14**

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway or be disposed of, or connected into, existing highway surface water drains.

*Reason:* In the interests of highway safety.

## **Condition 15**

No development shall take place on the application site until the applicant has:

1. Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.

The risk assessment shall include a mine gas risk assessment that considers the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021'.

2. Designed and implemented a scheme for the investigation and recording of contamination on the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) should aim to provide information to refine and update the conceptual model outlined in the Preliminary Risk Assessment. This investigation should confirm and evaluate the significance of the identified potential contaminant linkages. The report shall be prepared in accordance with recognised current best



practice, legislation, relevant guidance, documentation, and British Standards. The report shall be submitted to and approved by the Local Planning Authority.

3. Based on the findings of the site investigation and risk assessment, submit detailed proposals for site remediation and verification (Options Appraisal and Remediation Strategy) giving full details of the remediation measures required and how they are to be undertaken. This will demonstrate how the site will be brought to a condition suitable for the intended use by removing any unacceptable risks posed from contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The proposals shall be submitted to, and have received in writing the approval of, the Local Planning Authority prior to commencing the works.

*Reason:* To ensure previous uses are fully considered and remediated.

### **Condition 16**

Prior to occupation of the proposed development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If required, it shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

*Reason:* To ensure previous uses are fully considered and remediated.

### **Condition 17**

Prior to occupation of the proposed development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority (where necessary). The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms
- Timescales for submission of monitoring reports to the Local Planning Authority
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

*Reason:* In the interest of land stability and public safety.

### **Condition 18**

If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to

the Local Planning Authority. If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.

*Reason:* To ensure previous uses are fully considered and remediated.

### **Condition 19**

Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.

The CL:AIRE Code of Practice (CoP) must be referred to if the developer intends to reuse site won materials. The CoP provides a clear, consistent and streamlined process which enables the legitimate re-use of materials on site. Please refer to the CL:AIRE website (<https://www.claire.co.uk/projects-and-initiatives/dow-cop>) for further information on the CoP. Details of any soil (or similar material) to be imported to site must be provided in writing to Environmental Protection via the Local Planning Authority prior to importation. Details should include the source of the soil, sampling frequency and a certificate of analytical results with full rationale and justification undertaken by a suitably qualified individual. The developer should refer to the WLGA guidance document 'Requirements for the Chemical Testing of Materials for Various End Uses' (2013), which presents the specific sampling frequencies for imported materials, dependent upon the quantities to be imported and their proposed use at a development. The document outlines the process for ensuring all required information is submitted in relation to the relevant planning condition in a series of step-by-step actions.

*Reason:* To ensure any soil imported is suitable for proposed use.

### **Condition 20**

Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

*Reason:* To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.

### **Condition 21**

The existing trees/hedgerows to the rear of the site (northern boundary) should be retained. An Arborist shall be appointed to oversee the project (to perform a Watching Brief) for the duration of the development and be responsible for:

- a) Supervision and monitoring of the approved Tree Protection Plan;
- b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing is in the correct location and is fit for purpose.
- c) Ensuring that all tree work is carried out in accordance with the approved Arboricultural Implications Assessment & Arboricultural Method Statement.
- d) Supervision and monitoring of the approved tree felling and pruning works;
- e) Supervision of the alteration or temporary removal of any Barrier Fencing;

- f) Oversee working within any Root Protection Area;
- g) Reporting to the Local Planning Authority;
- h) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer.

Details of the appointed Arborist shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development (including demolition). Thereafter, the above matters shall be carried out in accordance with the submitted details.

*Reason:* To protect important landscape features within the site and in accordance with policy GP2 and GP5 of the adopted Local Development Plan.

### **Condition 22**

No development shall commence until a phase Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved.

*Reason:* To ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

### **Condition 23**

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

*Reason:* To ensure the site is served by a suitable potable water supply.

#### **Condition 24**

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.

#### **Condition 25**

Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted and SAB approval has been granted for the scheme. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any dwelling on site.

*Reason:* To ensure an adequate drainage scheme is designed and implemented at the site.

#### **Condition 26**

Any reserved matters application shall be accompanied by a biodiversity enhancement scheme, indicating biodiversity enhancement of this site including locations, types, specifications and numbers of any proposed biodiversity enhancement measures, as referred within Section 5.2 of the submitted Preliminary Ecological Assessment. Nevertheless, an integral bat box and/or bird nesting box shall be installed on each dwelling. The proposed measures are required to be submitted on an annotated plan and implemented thereafter as approved.

*Reason:* To ensure the development complies with the Environment (Wales) Act 2016 and PPW (Edition 11).

#### **Condition 27**

Prior to the installation of any lighting a detailed lighting plan focusing particularly on minimising lighting impacts in the woodland, including avoidance of any areas of permanent lighting, minimising any light spill from footpath lighting, outdoor seating areas and light spill from windows shall be submitted to the local planning authority for written approval. Thereafter, lighting shall be retained in accordance with submitted details.

*Reason:* To ensure suitable lighting scheme is installed.

#### **Condition 28**

Works and specific mitigation should be implemented in strict accordance with the following documents:

- Preliminary Ecological Assessment by I&G Consulting
- Japanese Knotweed Mitigation Report by I&G Consulting received 26.07.2022.
- Himalayan Balsam Mitigation Report by I&G Consulting received 26.07.2022.

*Reason:* In the interest of biodiversity.

## Notes / Informatives

### 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

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

### Note 3

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

- Please see the relevant responses from the Coal Authority, Dwr Cymru/Welsh Water, Natural Resources Wales and the Highway Authority, and Sustainable Drainage Body and refer to the recommendations and advice contained therein.

<b>Application No</b>	<b>PL/05250</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Proposed change of use from B1 (offices) to D1 use (wellbeing centre)
<b>Location</b>	Dragon 24, Traeth Ffordd, Llanelli, SA15 2LF

<b>Applicant(s)</b>	Hywel Dda University Health Board on behalf of the Dyfed Area Planning Board
<b>Agent</b>	Asbri Planning
<b>Officer</b>	Paul Roberts
<b>Ward</b>	Glanymor
<b>Date of validation</b>	05/01/2023

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than two letters of objection from third parties and a request by the two local members for the ward, Cllrs S Rees and L Roberts.

## Site

The application site consists of a vacant office building located at Units 8 and 9 within the Dragon 24 development in North Dock, Llanelli. It is a two-storey office building that was previously occupied by WRW Construction prior to going into administration in the summer of 2021 and has remained vacant since this time. It has a gross floor space of approximately 700 square metres set over two floors. The site includes part of the adjacent car park that currently serves the building and the neighbouring commercial buildings within the wider Dragon 24 development. In total, some 24 spaces are included in the site. Access is achieved via Traeth Ffordd that extends from a roundabout off the B4304 to the south-east of the site.

North Dock is a former industrial dock in Llanelli located approximately 900 metres to the south-west of the town centre with the Dragon 24 development being located on the eastern side of the dock and consisting of a mix of office and commercial units. The Pentre Doc y Gogledd residential development consisting primarily of flats is located to the west of the site on the opposite side of the Dock, with Llanelli Beach located beyond this. The St Elli's

Bay café/bistro is located to the south of the residential development together with the Millennium Quay car park which provides parking for visitors to the area and a children's play area. To the east of the site is the Afon Lliedi and B4304 and beyond these are the residential areas of Seaside and the south-western part Llanelli. Llanelli train station is located approximately 700 metres to the east of the site, while the nearest bus stop can be found a short distance from the site close to the roundabout between Traeth Ffordd and the B4304

## Proposal

The application proposes the change of the use of the building from its current B1 office use to a D1 wellbeing centre.

By way of background, the application has been submitted by the Hywel Dda University Health Board who, together with its partner agencies that include the Council and Dyfed Powys Police, have a statutory duty to ensure they contribute to the health and wellbeing of the local population and that essential health and wellbeing services are available and accessible to those who need them. These include services in relation to smoking cessation, children and young people's early intervention and prevention services, psycho-social support, and drug and alcohol misuse. In terms of the latter, the partner agencies have a statutory duty to ensure there is a local strategy and adequate service provision in place for the prevention and treatment of drug and alcohol use/misuse. This duty is discharged via the Dyfed Area Planning Board for Drug and Alcohol Misuse which is a multi-agency partnership mandated by the Welsh Government that leads on the joint strategic planning and commissioning of services and interventions to tackle drug and alcohol misuse.

These services are currently provided by the Health Board and partner agencies at different locations in both Llanelli and Carmarthen and the proposal seeks to consolidate them in a single wellbeing centre in the town that will address existing deficiencies in service provision to enable the effective delivery of a multi-agency approach in providing essential treatment interventions. It will enable the delivery of clinical services for Llanelli based clients and provide the administrative base for the following services :

**Smoking Cessation & Wellbeing Service** (Health Improvement & Wellbeing Team, Public Health) – The service is currently provided in Prince Phillip Hospital, however, there is no existing provision for those who are unable to be seen in a hospital setting. The wellbeing centre will provide a base for Llanelli smoking cessation staff and the delivery of clinical services for Llanelli based clients unable to be seen in hospital settings.

**Health Coaching** – Supporting individuals with lifestyle behaviour change in nutrition, physical activity, smoking and alcohol.

**Prevention & Early Intervention Service, Children and Young People** - This service is currently provided on a regional basis at Glangwili Hospital with no current provision to see children and young people in the Llanelli area. The wellbeing centre will provide a specialist psychological team in the town to support children and young people who have experienced ACES (Adverse Childhood Experiences) and are at risk of future problematic drug and / or alcohol use.

**Dyfed Drug and Alcohol Service (DDAS)** - Third Sector Single Point of Contact Service for Drug and Alcohol Services which is currently based in Vaughan Street in Llanelli.

**Health Board Community Drug and Alcohol Team** which is currently based in Ty Elwyn in Llanelli.

**Health Improvement & Wellbeing Team** within the Public Health Directorate at Hywel Dda. The service is currently based in Prince Phillip Hospital and Parc Dewi Sant in Carmarthen and the new wellbeing centre will provide the administrative base for the Carmarthenshire and Llanelli based strategic planning and population health improvement team.

The Health Board is required to provide these essential health services to meet the relevant Health and Care Guidelines and the specialist services provided at the site will include, amongst others, counselling, care planning, cognitive behavioural therapy, harm reduction advice, crisis intervention and care planning. The centre will be open on weekdays between 9am and 5pm with weekend clinics being operated between 9am and 2pm on a needs basis when required. Evening or out of hours clinics may also be operated up until 8pm when required to cater for those who are employed and unable to attend during working hours. Services will be provided on an appointment only basis and the centre will not provide a 'drop in' service, however, it will operate an open access arrangement to allow clients to access help when needed and encourage engagement, with this being followed with an appointment for initial assessment. All evening and weekend visits will be by appointment only and the overall delivery of the service will be via a number of mediums including face-to-face meetings at the site, virtual meetings and sessions, as well as home visits in order to provide a range of service delivery options.

Staffing levels at the centre will vary depending on the number of appointments, however, the centre will accommodate up to 51 employees across the various services provided who will operate on a rota basis as and when the services dictate. Staff will adopt a hybrid working arrangement consisting of a mix of home and centre-based working while also being encouraged to use sustainable means of transport to work as part of a staff travel plan.

The application has been accompanied by a Transport Statement which provides an assessment of the transport impacts of the proposal. It includes an assessment of the accessibility of the proposal by both public transport and active travel with particular regard to bus and rail services, cycling and walking. The statement highlights the site is located a short distance from existing bus services on the B4304, while being just a 10 minute walk from Llanelli Train Station. In terms of car parking, the proposal will be served by 24 parking spaces located within the existing parking area located to the front of the building, and the statement also highlights the availability of a public car park within 400 metres of the site. 10 of the parking spaces are to be allocated to clients visiting the wellbeing centre on an appointment basis, while the remaining 14 will be allocated to the staff of the various services provided in the building who, as indicated above, will adopt a hybrid model of working whereby it is anticipated there will only be 20-25 staff in the building at any one time.

Finally, the application has been accompanied by a relocation options report which provides details of potential alternative sites considered by the applicant prior to proceeding with the proposal to relocate the wellbeing centre to the application site.

## **Planning Site History**

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

S/28059 - Variation of condition no 3 of S/18032 to extend the time period for the submission of reserved matters and the commencement of development - Withdrawn - 15/11/2013



S/22162 - Powder coated aluminium cut out sign fixed to side of tower indicating name of development - Advertisement Granted - 11/01/2010  
S/17526 - 16 Unit office development. small & start up businesses - Full Granted - 23/04/2008  
S/18032 - The redevelopment of land to create a mixed use urban development comprising: a range of new homes including apartments and houses (use class C3); a hotel (use class C1); offices (use class B1); commercial uses including small scale retail/local shops - Outline Granted - 15/04/2008  
S/15663 - Provision of new landscaped walkway and plaza area along river - Full Granted - 15/10/2007  
LL/01107 - Mixed use development comprising residential, commercial and leisure around the impounded dock - Outline Granted - 06/06/2002

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution - Settlement Framework  
SP9 Transportation  
SP16 Community Facilities  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
EMP1 Employment – Safeguarding of Employment Sites  
TR2 Location of Development – Transport Considerations.  
TR3 Highways in Developments – Design Considerations

### National Planning Policy

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – Has no objection.

**Head of Public Protection** – Has no objection.

**Llanelli Town Council** – Have objected to the application on the following grounds :

- The proposal will be out of keeping with the adjacent business, residential uses and tourism uses and be in conflict with Policy GP1 of the LDP.
- The impact upon the amenity of the occupiers of adjacent properties, residents and the community means it is in conflict with Policy GP1.
- Insufficient parking facilities and public transport links for the likely number of service users.
- Inappropriate location for the proposed use with regard to the service users themselves, the community, adjacent businesses and tourism uses.

- Potential to draw crowds of individuals to the site leading to anti-social, criminal or abusive behaviour in the local area.
- Location near to the river and dock will result in possible dangers for the service users.

**Local Members** - County Councillor S Rees has requested that the application be presented to the Planning Committee for determination highlighting specific concerns regarding the proposed relocation of the DDAS to the North Dock area. Reference is made to the sensitivity of the location in a residential, recreational, tourist and business area with nearby playgrounds and water-based activities. Cllr Rees opines that the proposal would be out of character with the surrounding area and impact upon the amenity of adjacent land uses, properties, residents and the community. He also refers to inadequate parking at the site and lack of public transport in the area. On this basis, he suggests that the proposal is at odds with the objectives of Policy GP1 of the LDP.

Councillor Rees also refers to the need to provide a copy of the risk assessment of the development, the community impact survey and the lack of public consultation undertaken. He also highlights the need to provide details of the other locations that have been explored to enable an assessment of their suitability.

County Councillor L Roberts also requests that the application be presented to the Planning Committee and opines that it is an inappropriate area for the DDAS. Cllr Roberts objects to the proposal on the basis of a lack of parking, inadequate road capacity as well as safety concerns relating to the proximity of the proposal to the water bodies either site, namely the river and dock. Reference is also made to the impact of the proposal upon the surrounding area, the disturbance in the surrounding area and proximity to recreational uses.

Both councillors have requested that the Committee undertake a site visit prior to determining the application.

**Dyfed Powys Police** – Support the proposal, highlighting that the North Dock area is not of high policing demand with no current underlying antisocial or crime related issues, and that they do not anticipate that the new wellbeing centre will result in an increase in policing demand in the area. They refer to the separation of the site from surrounding residential properties and the recreational facilities located along the coastal path and nearby beach, and the current low levels of footfall through the Dragon 24 development wherein the centre will be located. Reference is also made to the lack of public facilities such as seating, shops or cafes in the Dragon 24 development which contributes to the lack of footfall and use of the area by members of the public.

They recommend that the applicant should seek to meet a Secured by Design Award in creating safer places and sustainable development in relation to crime prevention and designing out crime and that the appropriate use of CCTV as part of the development may aid the prevention and detection of crime and assist in allaying any community concerns within the area of the wellbeing centre. They highlight that local neighbourhood policing teams work closely in partnership with a variety of the support services and that the provision of easily accessible support services are essential in the success of reducing drug and alcohol related issues in the Llanelli area.

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

## Summary of Public Representations

The application has been publicised with the posting of a site notice within the vicinity of the site. In response, a significant volume of objection letters have been received from local residents and interested parties which raise the following issues of concern :

- The site is not an appropriate location for the DDAS. It attracts an anti-social minority who will impact upon the attractiveness of the North Dock area as a tourist destination with its wide range of recreational facilities such as the beach, coastal path, restaurant, café, ice cream parlour, children's playground and water sports activities.
- Lack of public transport facilities and buses run infrequently.
- Lack of parking facilities in the site which would not meet the demands of the proposal with the majority of employees likely to travel by car and lack of parking in the wider area.
- Out of keeping with surrounding business uses.
- Lack of risk assessment.
- Potential congregation of service users around the site including nearby benches and grassed areas.
- Potential intimidation of families, children and the elderly visiting and living in the area.
- Impact upon the wellbeing of local residents.
- Proximity to water and safety risks to service users who may be under the influence of any substance or alcohol when visiting the site.
- Safety risks of abandoned needles, tablets and other drug taking apparatus to visitors.
- Risks of the relocation of the drug and alcohol service to families and children using the nearby park.
- Lack of consultation and the applicant has failed to provide a community impact and risk assessment of the proposal.
- Increased crime in the area.
- Negative economic impacts.
- Other buildings available in the town centre with better transport links.
- Anti-social behaviour.
- Poor lighting in the area and lack of police presence.
- The location of the substance misuse service in the town centre has resulted in increased crime, violence and antisocial behaviour and the proposal will result in the same impact in North Dock.
- Contradicting statements in the application relating to the use of the proposal as a 'drop in' service.
- There is already a drop-in centre in the ward.
- Lack of CCTV
- Create problems in north dock further away from police support than the existing facility in the town centre.
- Proximity to nearby charity (CYCA) in North Dock that provides support services to children, young people and families.
- Negative impact upon the character of the surrounding area due to the clients it will support.
- Unsustainable location that is not easy to get to.
- The proposal should be located in one of the empty properties in the town centre or the proposed new Wellness village at Pentre Awel.

- The police are currently able to respond to incidents associated with the existing DDAS in the town centre a lot quicker than they would if it was relocated to the proposed site in North Dock.
- Potential to set a precedent for other similar uses in an area designated for business use.
- The railway station is a 15 minute walk away from the site whereby DDAS users would need to walk through residential areas which includes housing for the elderly and vulnerable adults with associated risks to these existing residents.
- Granting permission would run the risk of litigation against the Council in the form of a judicial review and other action against the Council for breaching its duty of care to young children given its proximity to existing play areas.
- Lack of provision for the likely increased crime at North Dock.
- Anomalies in the submission with regard to proposed opening hours and nature of drop-in service to be provided.
- Errors in the response received from Dyfed Powys Police where they indicate there are no seating areas around the site.

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

## Appraisal

The principal policy context for the proposal is provided by policies EMP1 – ‘Employment - Safeguarding of Employment Sites’, SP16 – ‘Community Facilities’, TR3 – ‘Highways in Developments – Design Considerations’ and GP1 – ‘Sustainability and High Quality Design’ of the adopted LDP.

The site currently has planning permission for its use as a B1 office use and, together with the neighbouring office buildings, is designated as an existing employment site under Policy EMP1 of the LDP. Whilst the policy seeks to safeguard such sites for employment uses, it does permit proposals which would result in their loss subject to them meeting a number of qualifying criteria. These include, amongst others, instances where the site or premises are no longer required for employment use, the proposed use could not reasonably be located elsewhere in accordance with the policies of the LDP, and where there is sufficient quantity, quality and variety of employment land or premises to meet the employment needs of the County or local area. Other criteria include where there is no economically viable employment use for the site or premises, and where the proposed use is complementary to the employment use of the surrounding area.

Policy SP16 of the LDP supports the provision of new community facilities in accordance with the settlement framework of the Plan based upon evidence of need. Policy GP1 is a general policy relating to the sustainability and design of developments and permits proposals that do not have a significant impact upon the amenity of adjacent land uses, properties, residents and the community, and do not give rise to any parking or highway safety concerns. The latter is supported by Policy TR3 which requires that proposals should be served by a suitable access and parking provision that accord with the Council’s parking standards, while also being accessible by public transport and walking and cycling.

### Principle of the development

The application site is located within the development limits of Llanelli which is identified as a Growth Area under Policy SP3 – ‘Sustainable Distribution – Settlement Framework’ of the LDP in recognition of its high population levels, extensive range of services and facilities,

and its sustainable location on or close to strategic transport routes. Its role as a Growth Area in the Plan includes the provision of strategic employment, education and healthcare provision in the interests of providing economic growth and contributing to the health and wellbeing of its wider population. The site is located in a well-established commercial area of North Dock with large areas of undeveloped land surrounding the Dock, including the land immediately to the north of the application site, having been designated for mixed-use development purposes under Policy EMP5 – ‘Mixed Use Sites’ with potential uses including employment, commercial, leisure and residential developments.

The application site has been vacant for two years since it was last used as an office building in 2021, and its proposed use as a wellbeing centre by the Health Board and its partner agencies will provide a new beneficial community use for the building that will address existing deficiencies in the provision of essential health improvement and wellbeing services in the surrounding area. It’s location within the Growth Area is in accord with the healthcare provision and sustainability objectives of the LDP, while the use will be compatible with neighbouring office developments and the wide mix of development types proposed for the North Dock area in the LDP. In this regard, the proposal is in accord with the objectives of Policy SP16 of the Plan in relation to the provision of new community facilities.

Whilst Policy EMP1 of the LDP seeks to safeguard existing employment sites for B1, B2 and B8 employment uses, it does not preclude their use for other purposes that do not fall within this ambit of uses subject to compliance with the qualifying criteria referred to above. In terms of the needs test of the Policy, despite being vacant for two years and having been marketed for B1 office purposes since this time, there has been no demand for the building for this or any other employment purpose and consequently it remains vacant today. Although this may to an extent be reflective of the emergence of hybrid working practices since the pandemic, nonetheless, the lack of interest in the building despite having been actively marketed for a two-year period demonstrates there is no current demand for its use for employment purposes. An online search of commercial properties indicates there is currently a good availability of a wide range of office space in the Llanelli area as well as further afield in Carmarthen, whilst the LDP has also allocated approximately 30 hectares of land for employment purposes in Llanelli which includes the land at North Dock referred to above which is allocated for mix use purposes. The demand for office space is not therefore exceeding the current supply and the extent of B1 office space that would be lost as a result of the proposal would be neither significant nor strategically important in the context of the overall provision of employment sites in the LDP and would not unacceptably harm the Council’s objective of promoting economic growth in the Llanelli area.

It is noteworthy that prior to the submission of the application, the applicant together with its partner agencies considered a number of alternative sites in Llanelli for the wellbeing centre, however, these were not considered suitable for a variety of reasons. Further, although the wellbeing centre will consist of a D1 use in contrast to the permitted B1 office use of the site, its use for both clinical and office purposes by the Health Board and its partner agencies will nonetheless provide employment in its own right whereby some 51 staff will be working in the building. The proposal is therefore considered to be in accord with the objectives of Policy EMP1 in that its use as a wellbeing centre will not result in any unacceptable employment or economic impacts.

### **Impact upon amenity and fear of crime and antisocial behaviour**

A common ground of concern amongst respondents is the proposed relocation of the current DDAS facility from Vaughan Street in the town centre to the site and the perceived impacts

arising from the behaviour of the users of the facility in terms of increased levels of crime and anti-social behaviour. The respondents suggest that the proposal will have a detrimental impact on the attractiveness of the North Dock area as a tourist destination, while also highlighting safety concerns regarding the proximity of the DDAS facility to, amongst other things, nearby playgrounds and residential properties.

Concerns regarding the behaviour of the users of the DDAS facility and the fear of crime resulting from the proposal is a material consideration. Nevertheless, previous case law relating to the matter has established that to be given weight in the consideration of planning applications, the fear of crime and anti-social behaviour must be real, well founded and evidenced.

The DDAS is a substance misuse service that provides support to those who have drug and alcohol dependency problems, as well as their friends and families. The service provides recovery orientated care which seeks to reduce and overcome their dependence on drug and alcohol use and ultimately improve their health, wellbeing and quality of life. Whilst the link between crime and anti-social behaviour and drug and alcohol misuse is acknowledged, users of the DDAS actively seek help and treatment to resolve their dependency issues and the applicant refers to evidence that the effective treatment of drug and alcohol misuse provides benefits to the wider community by way of reduced crime and anti-social behaviour, as well as reducing the health costs on public services. The respondents do not dispute this with many acknowledging the need for the service in Llanelli and the valuable work it does in improving the quality of life of its users.

There is no substantive evidence to demonstrate that the wellbeing centre will directly result in increased levels of crime and anti-social behaviour in the local area, and Dyfed Powys Police fully support the proposal. In doing so, they refer to the distance of the proposal from residential properties and confirm that they do not anticipate it will result in an increase in policing demand in the North Dock area. Moreover, they highlight that the local neighbourhood policing teams work closely in partnership with the DDAS and its partners. The service will operate primarily on an appointment only basis being open during the day whereby it is unlikely to result in service users congregating at the site or frequenting the area beyond daylight hours. The applicant has confirmed that they will be following the advice of the Police in including their Secure by Design Standards in the design of the centre such as the use of CCTV cameras around the building. They will also continue to collaborate with the community and elected members for the ward on a regular basis through, for example, the establishment of a 'Community Resilience Hub' that will seek to work with the local community to address any concerns they may have regarding the new wellbeing centre.

Based on the foregoing and the absence of any cogent evidence linking the wellbeing centre with increased crime and anti-social behaviour, the proposal is considered to be acceptable and in accord with the objectives of Policy GP1 in that it will not have an unacceptable impact upon the amenity of surrounding properties, residents and the community. Further, it is not considered that the proposal will compromise the attractiveness of North Dock as a tourist destination.

## **Highways and Transport**

A number of respondents have raised concerns regarding the potential highway impacts of the proposal suggesting that it is located in an unsustainable location with poor access to

public facilities and a perceived lack of parking provision. Concerns have also been raised regarding the adequacy of the road network to accommodate the proposal.

As indicated above, the site is located in Llanelli which has been identified as a Growth Area under Policy SP3 of the LDP in recognition of, amongst other things, its extensive range of services and facilities and sustainable location on or close to strategic transport routes. The wellbeing centre will be located a short distance from Llanelli town centre and its surrounding residential areas, while also being within a short walking distance of existing bus stops and services along the B4304, and Llanelli train station. The latter is located just some 700 metres from the site. Whilst certain of the respondents suggest the existing bus service is inadequate to serve the development, nonetheless, there is currently a regular bus service along the B4304 close to the site that will provide opportunities for staff and service users to travel to the site via sustainable means of travel. Moreover, it is noteworthy that the level of bus services in the local area are to be increased in the future as part of proposals to improve the sustainable transport links to the new Pentre Awel Wellness facility which is currently under construction.

It is not considered that vehicular movements generated by the proposal will result in any unacceptable highway impacts with the traffic generated not being significantly greater than those associated with the lawful use of the site as a B1 office. Further, in terms of parking provision, the applicant has provided a Transport Statement in support of the application in accordance with a request from the Head of Transport which demonstrates that the level of parking facilities provided accords with the Councils adopted parking standards based upon the hybrid working arrangements of staff working at the site, the availability of nearby public car parking facilities at Millenium Quay car park, and its sustainable location close to public transport facilities and the population it is intended to serve.

The Head of Transport has accepted the findings of the assessment and raised no objection to the application from a highway perspective subject to the imposition of a suitable condition requiring the submission of a Travel Plan to promote the use of sustainable travel options as part of the development. The proposal is therefore considered to be in accord with Policies GP1 and TR3 in that it will be served by a suitable access and parking provision while being accessible by public transport and walking and cycling.

### **Other matters**

Concerns regarding the proximity of the proposal to the neighbouring river and dock and possible dangers to the users of the wellbeing centre are unfounded and is a matter that would have been considered by the applicant as part of the site selection process. Whilst certain respondents refer to the need for both a community impact and risk assessment of the proposal, there is no statutory requirement to provide these in support of the application.

## **Planning Obligations 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 examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's LDP.

For these reasons, the application is put forward with a favourable recommendation.

## RECOMMENDATION - Approval

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### Conditions & Reasons

#### Condition 1

The works hereby granted consent 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 shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-

- Proposed first floor plan (DR-A-UNI-A101-S00)
- Proposed ground floor plan (DR-A-UNI-A-103-S00)
- 1:1250 scale location plan

received on 21 December 2022

- Transport Assessment – LvW Highways dated 18 February 2023

received on 23 June 2023

Reason:

In the interest of clarity as to the extent of the permission.

#### Condition 3

The parking spaces shown outlined in red on the 1:1250 scale location plan received on the 21 December 2022 herewith approved shall be provided prior to the use of the development and thereafter be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking and turning facilities is to be obstructed by non-motorised vehicles.

Reason:

In the interests of highway safety.



#### **Condition 4**

The premises shall be used as Wellbeing Centre and for no other purpose (including any other purpose in class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class or any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

In order to restrict the use as a Wellbeing Centre and to prevent the premises being used for other uses within Class D1

#### **Condition 5**

Prior to the use of the development hereby approved, a Travel Plan setting out ways of reducing car usage and increasing walking and cycling and sustainable means of travel to and from the development, and a timescale for its implementation, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason:

In the interests of promoting sustainable means of travel.

## **Notes / Informatives**

#### **Note 1**

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

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

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

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

#### **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](http://www.carmarthenshire.gov.uk)).