

**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 29 APRIL 2021  
ON 29 EBRILL 2021**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal Del/  
Area South*



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>29.04.2021</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/40307</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED EXTENSION AND RAISING OF LEVELS TO EXISTING INDUSTRIAL STORAGE YARD WITH ASSOCIATED PARKING, STAFF PORTACABINS, INDUSTRIAL HOPPERS AND WEIGHBRIDGE AT LAND ADJACENT TO WDA INDUSTRIAL ESTATE, BURRY PORT, LLANELLI, SA16 0NN

<b>Applicant(s)</b>	Llanelli Sand Dredging
<b>Agent</b>	Asbri Planning Ltd
<b>Case Officer</b>	Ffion Williams
<b>Ward</b>	Burry Port
<b>Date registered</b>	02/03/2020

## Reason for Committee

This application is being reported to the Planning Committee as the application involves land owned by the County Council

## Site

The site is located to the south east of Burry Port, on a level area of land. Adjacent land uses include residential areas 200m to the West, Parc y Tywyn school 190m to the South West, and Burry Port Industrial estate 130m to the West. To the north of the existing site, runs the railway, and the B4311 road along the Eastern and southern boundaries.

In terms of the wider area, the Millennium Coastal Park lies to the south of the site, along with the Burry Inlet and Loughour Estuary SSSI and Carmarthen Bay and Estuaries SAC. The main settlement of Burry Port lies to the North and North West of the site. Y Gaer defended Enclosure scheduled monument is located 800m to the North.

The existing site area is used for the landing, storage, bagging and distribution of sand and aggregate. The Eastern part of the site includes the area where sand derived from dredging

is brought to site, via a pipeline from the landing site at a pontoon 800m to the East. Most of the site area comprises of a yard area, where sand and gravel, stored in concrete bays are bagged and loaded on to HGVs for distribution. A series of concrete bays are located along the western boundary, which store sands and aggregates.

The buildings and structures on the existing site comprise of portacabin offices and weighbridge, located at the site entrance, and buildings containing loading hoppers and loading bays. The remainder of the site is a level yard area, unoccupied by buildings or structures and used for loading lorries. HGVs, loaders and forklifts all operate on the yard, with large and small vehicles sharing the space. The site is screened from the road by an earth bank and mature trees, which block views into the site from the South. The main views into the site are from the railway bridge to the North, where the elevated road position, and gap in tree line provide extensive views into the site, mainly of the sand landing and storage area.

The proposed extension site, and the subject of this application is located to the South West of the existing operational site. It is a relatively level area of undeveloped open land, currently overgrown with areas of grassland, scrub, and trees. The existing site access road runs to the North of the extension area.

Both the existing and proposed extension are accessed from the B4311 road. A concrete island at the entrance requires vehicles to enter the site from a Westerly direction only, and on exit can only turn left. Two roundabouts on the B4311 road enables vehicles to turn in the direction required. The site access road is a single track tarmac road, with passing places, which follows the western boundary of both the existing site and extension area, and enters the site adjacent to the portacabin office. Staff and visitor car-parking is informal adjacent to the site entrance and site offices.

## **Proposal**

The proposed development seeks to extend the site in a south westerly direction and would increase the overall site area by 0.97ha. Buildings and some operations carried out on the existing site area are proposed to be relocated to the extension area.

Buildings relocated to the extension area include the site office portacabins; re-located to an area adjacent to the access road, a new weighbridge would be located adjacent to the site offices. Parking bays will be provided to the front of the building, providing opportunity to formalise parking arrangements. Existing parking arrangements for yard staff will be retained. A building housing 6 hoppers for loading sand is to be located on eastern part of the extension site, alongside a new portacabin which will hold a mess room for staff. Most of the extension area will be taken up by the creation of a new hardstanding yard which would be used by forklifts only for loading lorries. The larger loaders would be confined to the existing yard only. Access arrangement to the yard area and existing site will remain the same, and a new site exit point created which would exit the yard onto the to the access road, at a point close to the new weighbridge.

## **Planning Site History**

Relevant site history

PL/00513 - VARIATION OF CONDITION 1 ON S/11618 (TIME LIMIT EXTENDED BY 15 YEARS) – Granted 15/12/2020

S/34262 - APPROVAL OF RESERVED MATTERS IS SOUGHT FOR SITE ACCESS AND

ANCILLARY ACCESS TO LLANELLI SAND DREDGING LTD, APPEARANCE, SCALE, LAYOUT, LANDSCAPING OF PROPOSED PRIMARY SCHOOL DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE AND ENABLING WORKS. TOGETHER WITH THE DISCHARGE OF CONDITION NOS. 2, 6,7,11,12,13,15,17,18 AND 22 ATTACHED TO OUTLINE PLANNING PERMISSION S/30600 GRANTED ON THE 25/11/2015 - Reserved Matters Granted 18/11/2016

S/11618 - VARIATION OF CONDITION 1 OF PLANNING PERMISSIONS C5/374/ S/01040, S/07142 AND S/01417 (TIME LIMIT) - Variation of Condition Granted 23/12/2005

S/07142 - EXTENSION OF EXISTING PREMISES TO PROVIDE ADDITIONAL OPEN SPACE STORAGE FOR LOOSE AND BAGGED SAND AND OTHER AGGREGATES Granted 12/08/2004

S/01440 - THE ERECTION OF BAGGING PLANT AND THE IMPORTATION OF COARSE AGGREGATES granted 26/10/2000

S/01064 – PROPOSED BURRY PORT SOUTHERN RELIEF ROD – TO CONSTRUCT THE PROPOSED LINK (AND ASSOCIATED JUNCTIONS) - Full Granted 03/03/1998

C5/372 (D5/16977) - ERECTION OF SECURITY FENCING TO SURROUND THE SITE/WEIGHBRIDGE OFFICE, THE GENERATOR, STORES, FUEL TANK AND THE AREA IN WHICH THE LOADING SHOVEL IS PARKED. Granted 27/07/1995

C5/374 (D5/16911) - VARIATION OF CONDITION 1 OF PLANNING PERMISSION REFERENCE C5/289 TO ALLOW WORKING TO CONTINUE FOR FURTHER 10 YEARS granted 30/11/1995

C5/289 (D5/12575) - PROPOSED LANDING, STORAGE, AND DISTRIBUTION OF DREDGED SAND ADJACENT TO BURRY PORT WIND TURBINE SITE FOR LLANELLI SAN DREDGING LTD. – Granted 17/05/1990

## **Planning Policy**

*Only list policy headings e.g.*

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP10 Sustainable Mineral Development

SP14 Protection and Enhancement of the Natural Environment

Policy GP1 Sustainability and High Quality Design

Policy GP2 Development Limits

Policy EMP3 Employment – Extensions and Intensification

Policy EQ4 Biodiversity

[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.

*Note: Headings along with 'Planning Policy Wales (PPW)' and 'Technical Advice Notes' (TANs) shall be hyperlinks*

## **Summary of Consultation Responses**

**Head of Transportation & Highways** – Observe that the proposed development will not result in additional employment, nor increase the capacity of the site in terms of export of materials, therefore will not result in an y intensification of vehicular movements to/from the site.

**Conservation (Arboriculture)** – Recommend a landscaping scheme for the site boundary, and tree planting would provide a valuable screen.

**Conservation (Landscape)** – Requires a landscape scheme to be submitted prior to determination either as a landscape concept Scheme or as a fully detailed landscape scheme. A 'prior to commencement' condition requiring the submission of a fully detailed Landscape Design scheme should the option of a Landscape concept scheme be submitted prior to determination.

**Conservation (Ecology)** - A construction Environmental management plan is required to outline the risk of pollution and disturbance. Site is considered to support suitable bat foraging and commuting habitat. Reptiles identified on site, and a receptor site should be identified and conditioned as part of any consent. Conditions relating to nesting birds should be included, recommendation the applicant is made aware of notes relating to badgers and Greater Crested Newts. Additional comments were received from Ecology; a Test of Likely Significant Effect (TSLE) and Appropriate Assessment has been carried out by the Planning Ecologist , which has been sent to NRW for comment, and conditions relating to approved plans and documents, submission of a Construction Environment management Plan, Unsuspected Contamination, Lighting, reptile mitigation statements, and nesting birds should be included.

**Contaminated Land** – No observations received to date.

**Valuations Manager** - No observations received to date.

**Head of Public Protection** – confirm they have no adverse comments on the application.

**Public Health and Protection (noise)** - provide a 'Planning and Noise' Document which includes information and commonly suggested conditions.

**Head of Highways and Transport** – have no observations on the application and note the development would not result in any intensification of vehicular movements to and from the site.

**Pembrey and Burry Port Town Council** - No observations received to date.

**Local Member** - Councillor Amanda Fox has not commented to date.

**Local Member** - Councillor John James is a member of the Planning Committee and has made no prior comment.



**Natural Resources Wales** – identified significant concerns with the proposal and requested acceptance of a ‘lifetime of development’ value of 50 years used in the Flood consequences Assessment. Following acceptance by Drainage of the lifetime development value, an updated flood Consequences was requested and provided.

A condition relating to unsuspected land contamination is requested to be included.

**Dwr Cymru/Welsh Water** – The application does not propose to connect to the public sewer therefore have no further comments.

**Sustainable Drainage Approval Body (SAB)** - Note the development is located in a defined flood zone 3 area. As the development construction area is greater than 100m<sup>2</sup>, an application for SAB must be made, and construction must not commence until SAB approval obtained and not unless the drainage system for the work has been approved.

**Dyfed Archaeological Trust** – No observations received to date.

**CADW** – No objections to the impact of the development on the scheduled monument.

**Network Rail** – No Observations 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, posted on a road sign alongside the B4311 and public footpath, and at the site entrance.

No representations from third parties were received on the application.

## **Appraisal**

### Principle of development

The application proposes a 0.97ha extension adjacent to the existing operational site, and the relocation of, and construction of new buildings associated at the extended site area. The existing site is industrial in nature, which the extended site would share the same features. The proposed site is currently an unused area of relatively level land, with some low-lying areas. The ground levels would be raised to match those of the existing site area adjacent and be of hardstanding construction of either concrete or tarmac. The proposed buildings include the relocated site offices and a new mess room. Both are single storey portacabins and tie in with the industrial nature of the wider site. The hopper buildings are of a larger scale measuring 22m by 8m and height of 8m to ridge. Constructed of steel frame and box profile, housing 6 hoppers with an open front elevation, and enclosed rear and side elevations, is industrial in appearance and function. The existing operational area is located close to the source of sand and gravel distributed by the operators, which is bought the site via a 900m pipeline from the pontoon where the material sourced by dredging is landed. The sand and gravel is taken from site by HGV.

Whilst the proposed extension utilises an underused are of land, into beneficial use, the site is unmanaged and has a vegetation cover of scrub and trees, which does provide habitat opportunities and is noted to include a reptile population. The benefits of utilising underused

land, the nature and location of the development must be considered against the impact upon the habitats and loss of habitat.

### Impact upon character and appearance of the area

The adjoining land uses are mixed and include the existing Llanelli sand site, and close to the site are industrial park/ area and Parc y Tywyn School. Recreation spaces in the football ground and Millennium Coast Park are open areas of land. Residential areas are positioned to the North and West of the site. The proposal would extend the existing site into an area of open land currently vegetated and characterised as scrubby land, creating an area which would be of a similar appearance and nature to the existing operational area; open hardstanding, with single storey portacabin and a steel framed box profile building which would be located close to the site boundaries. In terms of impact upon sensitive and protected features, the site is located 800m from Y Gaer Defended Enclosure Scheduled monument. This proposal is located within part of the significant view from the enclosure, however CADW note the vegetation on the monument screen the view, and whilst the development may be visible from the monument, consider the development would not impact on the setting of the scheduled monument.

The existing land, whilst of unmanaged and overgrown scrub and trees does provide screening to the site from the South and West, in particular from the road and adjoining Millennium Coastal Park. The loss of vegetation would change the landscape for the immediate area and could make the site more visible in the landscape. An area of land to the South West, outside of the site area of the site would remain undeveloped as present. As it is out of the control of the applicants, conditions to ensure its management and additional planting cannot be imposed. However, measures to plant the boundary with trees is suggested, with a condition included for the submission of a landscape design scheme.

### Landscape and Visual Impact

Site is located adjacent to the B4311 road, however the tree lined earth bank alongside the road provides screening to the existing site and is mainly visible only from the elevated road bridge crossing the railway, with views from this vantage point of the area where sand is brought to site and stored. The large sand mounds fluctuate in height depending on the stock levels. From this vantage point the proposed extension site is located behind the existing site and buildings which limit the visual impact. It is considered the extension is likely to blend in with the existing site as a landscape and unlikely to have a detrimental impact on the view from this point.

The Millennium Coastal Park is located adjacent to the site, however the undulating nature of the landscape within the park screens much of the views out of the park. Footpaths in the area of the park closest to the site are in many locations at a lower level than the road, and in combination with the landscape and tree lined earth bank of the site boundary, provide little opportunity for views on to the site area.

It is from the B4311 road and associated footpath, and site access area which provide the most extensive opportunities for views of the site. However, whilst the existing tree lined earth bank screens much of the application site, the open nature of the site entrance would provide brief views of the site. Tree planting along the proposed boundary is suggested with

the submission of a landscape design scheme, which could provide additional screening for views from this direction over the medium to long term as the tree establish and mature. The existing site is an established site, within a mixed-use area, and no tall structures are proposed which would cause detriment to the wider landscape, and the visual impact is considered to be minimal, given the low level nature of the development, which would only increase the size of the operative area on an existing site.

### Amenity

Policy GP1 Sustainability and High quality design permits developments which would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community. The site is located away from residential areas. The Porth Tywyn School is close to the site, as is the Millennium Coastal Park. This proposal would bring operational areas closer to the school and residential areas. It is also noted the extension area is smaller than the existing site area, and not considered to increase overall activity at the wider site.

Conditions attached to planning permission at the existing site limit operation hours (except for emergencies) to 7am to 6pm Mondays to Fridays, and 8am to 1pm on Saturdays, with no operations on Sundays and Public Holidays. These conditions are recommended to be included on this application. Further conditions require loaded lorries to be sheeted and cleaned before entering highways; measures to avoid creation of dust and impact on air quality. To prevent pollution to waterways, a condition requiring storage of oils and fuel on impervious bases and surrounded by a bund is recommended. NRW also request a condition for unsuspected contaminated land is included.

### Mineral Supply

Policy SP10 Mineral Development of Carmarthenshire LDP makes provision for a continuous supply of minerals for the plan period, the plan notes its function is to ensure a significant supply to meet societies needs. Whilst this site does not contribute to the mineral landbank, it does contribute an important supply of sand and gravel, given the authority is limited in its sand and gravel working. The Regional Technical Statement 2<sup>nd</sup> Review notes the importance of marine dredged aggregates, and considers that sand and gravel derived from marine would continue to supply the demand. the wider site, in addition to landing the mineral, also prepares and packs the material for distribution. The applicant proposes to utilise this extended site area as part of their operations to pack and distribute marine derived sand and gravels. Planning Policy Wales (Edition 11) notes the importance of infrastructure which supports the mineral development, including processing facilities, and the loss of infrastructure should be avoided.

### Biodiversity Impacts

The site is characterised as grassland and scrub, with areas of trees, both conifer and broadleaf, and located 360m north of Carmarthen Bay and Estuaries SAC and Burry Inlet and Loughour Estuary SSSI. An ecology report submitted with the application identified a range of habitats on site; Species Neutral grassland, scrub, plantation broadleaf woodland, immature semi natural woodland / overgrown scrub and, reedbed and ephemerally wet areas. In terms of fauna, the report found the site capable of supporting birds, none of which considered to be rare or endangered, and suitable for foraging resources for both badger and bats, and whilst none were found on site, given its suitability to support bat foraging and commuting habitats, it is recommended a condition requiring the submission of a lighting plan to the Planning Authority prior to commencement is recommended, alongside an informative for the protection of Birds, Bats, Reptiles, and Badgers. Whilst a CEMP was

requested at initial consultation stage, the practicalities of such a report at this stage without a contractor in place is impractical. A condition requiring a CEMP has been included. A Habitat Regulations Screening Report was provided to enable the Authority to carry out an Appropriate Assessment. A Test of Likely Significant Effect (TLSE) and Appropriate Assessment has been done for the site, this has been sent to NRW for comment.

An exceptional population of Common Lizard was found on site, a species protected under the Wildlife and Countryside Act 1981. The proposed development would cause an adverse impact on these species, through the loss of habitat. Policy EQ4 Biodiversity does not permit development which have an adverse impact on priority species and habitats protected under European or UK legislation, except where it can be demonstrated that impacts can be mitigated, acceptably minimised or in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and conservation interests and where alternative habitat provision can be made to maintain and enhance biodiversity. This cannot be conditioned, due to the requirement for agreements in place before determination. A suitable reptile site has been identified with the Local Planning Authority at the Millennium Coastal Park, for the translocation of Common Lizards. A reptile mitigation strategy and method statement has been prepared which sets out the methodology for vegetation clearance, exclusion of reptiles and the capture and translocation of reptiles. The receptor site, within the Millennium Coastal Park will be incorporated into the park's management strategy, with vegetation managed for 5 years and a financial contribution agreed to facilitate the receptor site.

### Highway Impacts

The proposed development seeks only to extend the site area, and to improve the safety of vehicles moving within the site. Operations carried out on the existing site would be moved to the extension area and does not propose to increase the lorry movements from site. Employee numbers will not increase and will not result in greater number of vehicle trips. Within the site, the development provides an opportunity to formalise some parking arrangements on site, with the provision of parking bays adjacent to the site office. The development is considered unlikely to have impact on the highway, given the number of vehicles will not increase. Site access will remain as existing, and at exit on to the highway all vehicles must turn left. Highways noted the development will not result in increased vehicle movements and have provided no objection nor conditions on the application. Conditions attached to the existing site requeuing all lorries to be sheeted and for commercial vehicles to be cleaned before leaving site to prevent material being deposited on the highway are recommended to be included on this proposal.

### Flood Risk Implications

The site is located in area of TAN15 C2 flood zone, which are areas of floodplain without significant flood defences. TAN15 (2004) notes that only less vulnerable development should be considered in these zones, subject to justification tests. Less vulnerable development types in the TAN include general industrial, employment, and mineral extraction sites and associated processing facilities. A Flood Consequences Assessment (FCA) has been provided as part of the application, and notes the location of the site, by virtue of its nature in landing marine derived aggregates, must be close to marine facilities, and in a coastal location. The FCA included a 50-year flood consequences assessment. Whilst NRW raised concerns with the of 50 years, Drainage officers at the Local Authority have agreed to the use of 50 years in the Assessment, subject to signing up to flood alerts and condition requiring the submission of a flood risk management plan to be submitted,

which details the flood risk, how the risk is managed and measures for safeguarding the site and staff in time of flood risk is recommended to be included. The FCA assesses the risk of flooding to the site, concluding that tidal flood risk is low due to the topography and presence of tidal flaps (owned by the Local Authority) at the Barnaby Pill outfall, which prevent tidal water flowing into the drain which flows to the north of the application site.

As the development is over 100m<sup>2</sup>, an application to the Sustainable Drainage Approval Body (SAB) under the Flood and Water Management Act 2010 would be required. The site proposes to connect foul water drainage from the proposed portacabins to the existing arrangements on site, which drain to a cess pit. Surface water drainage from the proposed extension area will connect to the existing surface water disposal arrangements, whereby it outfalls to a ditch to the north of the site, if there is shown to be existing capacity. If there is shown to be limited capacity, SAB approval would be required for a new scheme.

### Employment

Llanelli Sands is designated an employment Area in Carmarthenshire LDP, and policy EMP1 Employment and Safeguarding of Employment Sites seeks to ensure existing employment sites are safeguarded from alternative use. No additional jobs are proposed in this application; however, it is considered the proposal would safeguard the employment site which is constrained by its current size, by developing a larger operative area and would enabling the site operator to provide improved site safety and more efficient working and operation.

## **Planning Obligations**

A Section 106 agreement would be required as part of planning permission for this 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 application should be granted. It is considered the proposal is unlikely to have a greater visual, landscape and highway impact than the existing site area already has and would ensure the supply of marine sand and gravel and safeguard an employment site. Adverse impacts to ecology from the loss of habitat is mitigated through the translocation of protected species to a nearby receptor site, with a management plan and financial contribution agreed to facilitate the site, and the requirement to submit a Landscape Design Scheme to provide landscape and ecological objectives. On balance the proposal is acceptable and recommended for approval subject to agreement of a Section 106 agreement and the Appropriate Assessment to be signed off by NRW.

## Conditions and Reasons

### Condition 1.

The development hereby permitted 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 (as amended).

### Condition 2.

The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:

- Proposed Site Drainage, Drawing no C002, dated 19.12.2019
- NSFA080 – NSFA200 Full Retention Separators, Drawing no DS0896P
- Technical Note – Drainage, C1444, dated January 2020
- Arboricultural Report including Tree Survey Data & Tree Constraints Plan, ArbTS, dated 02.07.2019
- Drainage layout (Offsite Drainage Run), 1:250, Drawing No: SAND/005, dated 05.05.2019
- Long Section, 1:250, Drawing No SAND/004, dated 05.05.2019.
- Existing Survey (Overall Site), 1:500, Drawing No SAND/001, dated 05.05.2019.
- Llanelli Sand – Location Plan, 1:250
- Llanelli Sand Flood Consequence Assessment, version 1.1, JBA Consulting, dated September 2020,
- Exploratory Geo-Environmental & Geotechnical Report, Document reference: ESP.7194b.3264 Rev1, Earth Science Partnership, dated February 2020.
- Existing Survey (Proposed Extension Area), 1:250, Drawing no SAND/002, dated February 2020
- Proposed layout, 1:250, Drawing No SAND/003, dated May 2020
- Portacabin Details, 1:50, Drawing no SAND/006, dated May 2020
- Hopper building, 1:50 Drawing No SAND/007, dated 01.06.2020.
- Habitat Regulations Screening Report (RevB), Asbri Planning, dated October 2020.
- Reptile Mitigation Strategy & Method Statement, Bay Ecology, dated 21.01.2021.

*Reason:*

To ensure that the development is implemented in accordance with the approved details.

### Condition 3.

All operations at this site shall cease by 23 December 2035 and the site shall be subsequently restored in accordance with a scheme to be submitted for the written approval of the Local Planning Authority by 23 April 2035. In the event of the developer ceasing operations at the site before 23 April 2035 the Local Planning Authority is to be notified immediately and the developer shall, within 3 months of the notification submit for the written approval of the Local Planning Authority proposals for the restoration of the site. The restoration scheme is to be commenced within 3 months of receipt of the written approval of the Local Planning Authority, and shall be completed within an agreed timescale that must form part of the restoration submission.

*Reason:*

The proposal is temporary in nature as the offshore dredging licence is time-limited.

#### **Condition 4.**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order with or without modification), no plant, buildings or machinery in addition to those already existing shall be erected, altered or extended on the site, nor shall the site be extended without the prior written approval of the Local Planning Authority.

*Reason:*

In the interest of amenity and the prevention of pollution.

#### **Condition 5.**

Except in emergencies necessary to maintain safe working of the site (which shall be notified to the Local Planning Authority as soon as practicable), or unless the Local Planning Authority has agreed otherwise in writing, no operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site, except between the following times:-

0700 hours and 1800 hours Monday to Friday; and

0800 hours and 1300 hours Saturdays;

No operations at the site shall take place on Sundays or Public Holidays.

*Reason:*

In the interest of amenity and the prevention of pollution.

#### **Condition 6.**

The best practicable means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on the site. This includes fitting broadband directional alarms to vehicles where necessary.

*Reason:*

To protect the amenities of local residents.

#### **Condition 7.**

All vehicles, plant and machinery operated within the site shall at all times, be fitted with silencers in accordance with the manufacturers' recommendations and be so operated to

minimise noise emissions. Save for the purpose of maintenance, no machinery shall be operated with the covers open or removed.

*Reason:*

To protect the amenities of local residents.

### **Condition 8.**

No HGV's (greater than 7.5 tonnes gross weight) shall leave the site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway. If the system is ineffective in preventing deleterious material being carried onto any part of the public highway the developer shall submit a revised scheme indicating the remedial facilities and/or methods to be put in place.

*Reason:*

To prevent mud and dust getting on the highway in the interests of highway safety.

### **Condition 9.**

All loaded lorries shall be sheeted before entering the public highway.

*Reason:*

In the interest of amenity and the prevention of pollution.

### **Condition 10.**

All plant and buildings shall be removed from the site on completion of the operations hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:*

In the interest of amenity and the prevention of pollution.

### **Condition 11.**

No waste materials or minerals shall be brought into the site for disposal, treatment, processing, sale or re-distribution.

*Reason:*

In the interests of highway safety and in the interests of local amenity.

### **Condition 12.**

Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.



*Reason:*

To prevent pollution of the water environment.

### **Condition 13.**

Within 6 months of the completion of the work, a flood risk management plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan should detail what the flood risks are and how they will be managed, including how both the site and staff will be safe guarded in time of flood risk.

*Reason:*

To minimise the risk to site operations from flooding.

### **Condition 14.**

If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

*Reason:*

To ensure that former land uses are fully considered and remediated where necessary in the interests of health, safety and residential amenity and to accord with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 15.**

No development or site clearance shall take place until an appropriate and comprehensive Detailed Landscape Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions and shall be in compliance with relevant guidance as provided by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason:*

To ensure that the development respects, reflects, and enhances local character, distinctiveness; and gives due consideration to features which contribute to local distinctiveness and the landscape.

### **Condition 16.**

Prior to the installation of any lighting other than that hereby approved, a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason:*

In the interests of visual amenity and biodiversity and to accord with Policies GP1, EQ4 and SP14 of the Carmarthenshire Local Development Plan.

### **Condition 17.**

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

The CEMP should include:

- Construction methods including details of materials and waste.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffers zones, relevant protection measures e.g. fencing.
- Biodiversity Management: tree and hedgerow protection.
- Soil management.
- Control of Nuisances: restrictions on timing/duration/frequency of works, dust control measures, control of light spill and conservation of dark skies.
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Traffic Management: deliveries, plant on site, wheel washing facilities.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, construction site drainage plan.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.

*Reason:*

In the interests of biodiversity and to accord with Policies EQ4 and SP14 of the Carmarthenshire Local Development Plan.

### **Condition 18.**

The Mitigation proposals and Method Statements contained within the submitted Reptile Mitigation Strategy and Method Statement shall be followed at all times during the course of the implementation of the Plan.

*Reason:*

In the interests of biodiversity.

### **Condition 19.**

No removal of trees or hedgerows shall take place between March to August inclusive in any one year unless a bird nesting survey carried out by a qualified ecologist is submitted to the Local Planning Authority demonstrating that no nesting birds are present.

*Reason:*

In the interests of biodiversity and to accord with Policies SP14 and EQ4 of the Carmarthenshire Local Development Plan 2014.

## Notes

### Note 1

Compliance with approved plans

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

S106/UU requirement. This permission is the subject of a Section 106 Legal Agreement.

### Note 3

Comments and guidance etc available on website

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)).

### Note 4

Bat licence requirement

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

## Badgers

- Badgers and their setts are protected under The Protection of Badgers Act 1992. Any disturbance within 30m of a sett/destruction of a badger sett will require a NRW licence.
- Due to the potential presence of badger activity in the area it is recommended that all excavations should be covered between shifts unless there are provisions made for animals to escape.

A suitably qualified ecologist is advised to supervise site clearance and conduct a badger check a minimum of two weeks in advance of works. Licences to exclude and close setts are only issued between 1 July and 30 November

## Birds

- Under Section 1 of the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill or injure any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use or being built.

<b>Application No</b>	<b>PL/00750</b>
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<b>Application Type</b>	FULL PLANNING PERMISSION
<b>Proposal &amp; Location</b>	RETENTION OF AN EXTENSION TO AN EXISTING SLURRY LAGOON FOR WELFARE PURPOSES AT NANTYGOETRE ISAF, LLANDYFAELOG, KIDWELLY, SA17 5YA

<b>Applicant(s)</b>	Mr H Williams
<b>Agent</b>	Aled Thomas
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	St Ishmael
<b>Date registered</b>	01/12/20

## Reason for Committee

This application is being reported to the Planning Committee following a request from the Local Member.

## Site

The Nantygoitre Isaf farm holding is approximately 2km West of Llandyfaelog and 2.3km to the North East of Ferryside. The farm is owned and operated jointly with Westdown Farm in Llansaint.

The application site is to the South West of an established working farm complex. The farm complex consists of three cattle sheds and smaller ancillary buildings and structures. There was previously a range of smaller scale outbuildings on the site, however these have been replaced by a modern shed and the complex has been expanded ad hoc over the years with modern cattle housing. It is noted that small slurry stores are present to the north of the cattle housing which currently serve the cattle housing, and a larger lagoon has been expanded further to form the current proposal.

The original farmhouse along with private garden and a small paddock has been sold off and is occupied by third parties who keep chickens and horses of their own. The paddock has recently been dissected by the formation of a new access directly from the C2074. There is a 33m private garden to the side of the house, which is surrounded by a close board fence. The site of the lagoon is beyond a cattle housing shed and is approximately 150m from the neighbouring house.

## **Proposal**

The application seeks retrospective permission to retain a 60.96m by 24m by 4m depth slurry lagoon which has been designed to meet the relevant guidelines for the storage of slurry. 4m wide tracks have been provided around the lagoon and embankments have been provided by cut and fill to form the means of containing the slurry.

The new lagoon is larger than the one originally sited which the plans show as 30m by 18m, and it complies with modern standards with a liner to contain the slurry and prevent ground pollution. A fence has been erected around the top of the lagoon to prevent accidental access.

The lagoon has not been used to date, however does have some clean rain water which has pooled naturally since construction and it is understood that the applicant has pumped water out of the lagoon periodically.

A slurry management plan has been sought and submitted which sets out the operational approach to using the facility.

## **Planning Site History**

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

W/36024 - NEW ACCESS AND TRACK - Full Granted 11/10/2017

W/34541 - DEMOLITION OF EXISTING BUILDING TO FACILITATE THE CONSTRUCTION OF LIVESTOCK HOUSING- Full Granted 11/01/2017

W/33415 - DEMOLITION OF EXISTING SUB-STANDARD FARM BUILDINGS AND REPLACING SAME WITH A STEEL FRAMED OPEN PLAN BUILDING FOR ANIMAL HOUSING AND ANCILLARY STORAGE - Withdrawn 12/04/2016

W/21128 - ERECT 2 NO AGRICULTURAL STEEL FRAMED BUILDINGS - ONE TO HOUSE CATTLE THE OTHER TO STORE MACHINERY AND AGRICULTURAL SUNDRIES - Full Granted 26/08/2009

## **Planning Policy**

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

GP1 Sustainability and High Quality Design

EP1 Water Quality and Resources

EP2 Pollution

## [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 Public Protection -

**Environmental Health** - A management plan has been submitted detailing the applicant's approach to minimising flies and odour, so compliance needs to be conditioned.

**Noise** – Any permission to retain the slurry lagoon needs to be conditioned to ensure compliance with the management plan.

**Contaminated Land** – No adverse comments

**Llandyfaelog Community Council** – Has no objection, however seeks to ensure that Natural Resources Wales are consulted on the application to ensure all the regulations are met.

**Local Member(s)** - Councillor M Stephens has requested that the application is reported to Planning Committee given the proximity to the neighbouring property and to ensure the legislation in respect of nitrate levels and slurry are adhered to.

**Natural Resources Wales** – Has no objection but offers advice in respect of the location of the lagoon in relation to water sources and in respect of the spreading and washing operations being carried out in accordance with good practice to avoid pollution. The application needs to be screened under the Habitat Regulations.

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

## Summary of Public Representations

The application was the subject of notification by way of 1 neighbour letter and the posting of a site notice.

Representations have been received from one neighbouring property objecting and the matters raised are summarised as follows:

- Over bearing scale
- Visual appearance / character
- Public Health:
  - Odour, gasses
  - Water from washing plant
  - Dust and hay fragments contaminated by animal waste
- Nuisance:

Noise  
Flies  
Lack of consideration

- Highway Safety  
The farm is linked to another so there are highway safety issues
- Anti-Social Behaviour\*

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

\* Allegations are not published on the Council's website and are being investigated outside the planning system.

## **Appraisal**

### Over bearing scale

The slurry lagoon is of a reasonable scale and design which appears to have been cut and filled into the site. The design is appropriate and does not have an over bearing impact on the neighbouring property.

### Visual appearance / character

The lagoon has been built in accordance with good practice and is appropriate to the character and appearance of a working farm in the open countryside. It is noted that the adjacent farm to the North has recently had permission for a similar lagoon, and the farm beyond to the North West has a pending application for an above ground circular lagoon which would be more prominent if it was proposed in this location. The ground works are visible at present from close proximity as they have been recently completed, however in time, grass will establish around it and be less visually discernible.

### Public Health

The third party is concerned as there is currently odour emanating from the existing farm complex and there is fear that this contains poisonous gas that would be exacerbated with the use of the new lagoon. It should be noted that the new lagoon is not yet in operation, so any odour which is emanating from the existing working farm complex is not material to the consideration of the lagoon and is normal for a working farm. The location of the lagoon, intervening agricultural development and separation distance between the lagoon and the nearest residential property is not likely to cause an unacceptable concentration of odour or gases. It is noted that the applicant proposes to break down the slurry by the use of additives and agitating immediately prior to spreading rather than agitating on a regular basis, in order to minimise the odour that is produced.

NRW's response states that water from washing down plant and machinery should be contained in a wash down area so as not to cause pollution. Recommended Condition 4 states that water from washing down plant etc shall be controlled and disposed of in the slurry lagoon and seeks that details be submitted within 28 days of any permission.

Dust and hay fragments being carried onto the third party property is currently evident when operations are being carried out on the working farm yard in certain weather conditions.



This too is not material to the retention of the lagoon as it would not generate dust and dry fragments.

It is noted that there is concern over the fact that the land and buildings are being worked along with the main holding some 4.2km away, however it is common practice for holdings to have outlying land / secondary holdings and be worked as a single unit. The main holding has a farm complex immediately adjoining a settlement so the applicant is used to operating in close proximity to residential properties and the constraints that this entails.

### Nuisance

There is concern that the development is causing nuisance in the form of noise, flies and dust. However the proposal is not operational so any nuisance being experienced is not emanating from the proposal. It is reasonable to expect a degree of noise from a working farm complex and the movement of dry bedding may cause dust and dry particles if caught by the wind. No fly infestation has been witnessed by council officers during site visits, however it is noted that both the applicant and objector have animals so the presence of flies in the summer months is likely to be evident. The concern over the current situation is not material to the consideration of the lagoon as it is not operational and the separation distance is such that it is not likely to have an adverse impact when operation commences.

A management plan has been sought and submitted which the third party objects to as implementation would be down to the applicant. However, such speculation as to the implementation by an individual is not a material consideration. A condition is recommended which seeks to ensure that the management plan is implemented as submitted as a matter of good practice.

The applicant has confirmed that the lagoon has been periodically emptied of rain water over the winter. Noise emanating from the existing farm is not material to this proposal to retain the slurry lagoon and noise emanating from pumping slurry for dispersal would be time limited when spreading is taking place. It is normal and expected that there would be noise from vehicles, tools, pumps and generators etc as part of the operation of a working farm so noise from the future pumping of slurry on occasion is not considered to be unacceptable.

### Highway Safety

The farm is worked with another so there are fears over highway safety with vehicles travelling between the two. It is noted that the farm is linked to a holding in Llansaint some 4.2km away by road and that there is already a cross over between the two in terms of stock and slurry being spread between the two holdings. The storage of slurry at the two locations would ensure that both holdings comply with the relevant regulations. It is common practice for farms to have outlier land and / or secondary holdings and be managed as one overall unit. The movement of agricultural vehicles between the two locations is already an established feature and is outside the control of the planning system.

### Anti Social Behaviour

Allegations have been made in respect of the applicant's operation of the existing working farm, however these are not material planning considerations and are not being set out in this report as they are being investigated outside the planning system.

## Habitat Regulations Assessment.

The application has been screened and is not likely to have a significant effect on the Carmarthen Bay and Estuaries SAC under the Habitat Regulations. The County Ecologist concludes as follows:

“It is therefore considered not likely that the development will cause any adverse effects including sediment transfer and deposition, turbidity, noise, visual presence, physical disturbance, contamination and nutrient transfer or deposition. The development will not change the coherence of the site or the National Site Network. There will be no reduction in the area of habitat within the SAC. There will be no direct or indirect change to the physical quality of the environment (including the hydrology) of the habitats within the site. There is unlikely to be any disturbance to species or habitats for which the site is notified or changes in species composition or population size of any feature and there are no pathways to significant effects identified. Therefore on this occasion a full TLSE has not been undertaken.”

## **Planning Obligations**

Not applicable.

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

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the 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 whilst there is concern from the neighbouring property in respect of the existing working farm, the location and separation distance of approximately 150m between the proposal and the neighbouring dwelling is such that there is unlikely to be an unacceptable impact on residential amenity. The lagoon has been built in accordance with good practice and has been accompanied by a management plan and therefore the application is recommended for 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 December 2020.

*Reason:*

To comply with Section 73A of the Town and Country Planning Act (as amended).

**Condition 2.**

The development hereby permitted shall be retained strictly in accordance with the following plans dated 2 November 2020.

1:500 scale Block Plan  
1:400 scale Cross Sections

and the following plan dated 30 November 2020

1:1250 Scale Location Plan

*Reason:*

In the interests of visual amenity in accordance with Policy GP1 of the LDP.

**Condition 3.**

The slurry lagoon shall be operated strictly in accordance with the Slurry Lagoon Management Plan dated 13 January 2021.

*Reason:*

To protect the amenity of neighbouring properties in accordance with Policy GP1 of the LDP

**Condition 4.**

Any water arising from washing down plant and / or an umbilical system to transport or spread slurry shall be contained within a defined wash down area and drain into the slurry lagoon. Details of the wash down area and drainage shall be submitted to the local planning authority within 28 days of the date of this permission.

*Reason:*

To prevent the pollution of the natural environment.

**Notes**

**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 if development will constitute

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

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

**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))

<b>Application No</b>	<b>PL/00935</b>
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<b>Application Type</b>	HOUSEHOLDER
<b>Proposal &amp; Location</b>	TWO STOREY SIDE EXTENSION AND NEW FRONT PORCH BLAENAU ISAF, CROSS HANDS, LLANELLI, SA14 6DD

<b>Applicant(s)</b>	Mr. J. RICHARDS
<b>Agent</b>	PRIME ARCHITECTURE LTD
<b>Case Officer</b>	JOHN THOMAS
<b>Ward</b>	LLANNON
<b>Date registered</b>	27 JANUARY 2021

## Reason for Committee

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

## Site

The application property is a two-storey detached dwelling, located outside of any defined settlement limits but in the Cross Hands are. The property is located off the C2201 (Llwydcoed to Pentwyn Road). The property appears to be a farmhouse surrounded by a cluster of agricultural buildings with the principal elevation of the property fronting the communal parking/farm yard. It is however unclear whether it remains as a working farm since this is a householder application seeking consent for domestic extensions.

## Proposal

The application seeks consent to demolish an attached single-storey domestic garage to the side of the property and construct a two-storey extension and a front porch. Following a site visit, it would appear that the front porch has already been constructed and minor works occurred within its curtilage.

## Planning Site History

S/10213 - Two storey Side Extension with gable dormer to rear and first floor gable dormer to existing house  
Full Granted 06/07/2005

S/01589 - Agricultural Prior Notification - Hardcore onto Farm Tracks/roadways and Hardstanding for Silage and Machinery  
Planning Not Required 27/11/1998

S/01289 - Agricultural Prior Notification - Fodder Storage and Animal Shelter  
Planning Not Required 29/06/1998

D5/12133 - Conversion of Existing 2 Barns into 3 Dwellings and Associated Stable Block  
Refusal 23/10/1989

## Planning Policy

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

SP1 Sustainable Places and Spaces

GP1 Sustainability and High Quality Design

GP6 Extensions

TR3 Highways in Developments – Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and 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.

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

**Llannon Community Council** - Has not commented to date.

**Local Members** - Councillor E. Dole has not commented to date.  
Councillor D. Jones has not made any prior comments as she is a member of the Planning Committee.

**Dwr Cymru/Welsh Water** – No objections to the proposal. Advisory notes provided.

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.

3 representations were received (1 anonymous), 3 objecting, and the matters raised are summarised as follows:

1. Bat survey showing proposals for holiday let accommodation
2. Any holiday let accommodation would increase noise in a quiet area and impact on those visiting the nearby cemetery
3. Proposal could set a precedent for further development at the site and in the vicinity
4. Layout of proposed extension suggesting separate living arrangement
5. Works appear to have already commenced on site
6. The nearest public highway is narrow, already busy and subject to accidents making it unsuitable for further traffic
7. Highway safety with debris, flooding and lack of maintenance of the public highway

## Appraisal

The application seeks consent to demolish an attached single-storey domestic garage to the side of the property and construct a two-storey extension. A new front porch is also proposed. The proposed side extension would have maximum measurements of 6m x 7.3m. It would be finished with a pitched roof reaching maximum heights of 5m (eaves) and 7m (ridge). The porch has maximum measurements of 1.5m x 2m. It would be finished with pitched roof reaching maximum heights of 2.5m (eaves) and 3.1m (ridge).

The existing dwelling, despite being two-storey, does not have a particularly large footprint whilst the internal floorspace is reduced because of thick walls of the original structure. The proposed extension would replace an existing smaller attached structure (garage) and would be designed to be subordinate to the main house. A degree of set-back from the principal elevation and set-down from the ridge of the main roof would provide sufficient visual break between host dwelling and new extension.

The front elevation of the extension would have a traditional two-storey appearance whilst the rear would have reduced massing due to a cat-slide roof and a type of dormer feature. The extension would not extend beyond the original rear elevation of the property, thereby limiting its footprint whilst the existing rear elevation already has a dormer feature, albeit of limited design merit.

Whilst the proposed extension would increase the size and massing of the dwelling, it would have a scale, design and appearance that is subordinate and harmonious with its host. The dwelling is in a relatively isolated location, away from any significant or prominent public views. Views are generally at longer distance, mainly as a result of the hillside positioning of the dwelling, however it would be seen in context with a variety of existing farm buildings and the occasional dwellinghouse on the same hill. The surrounding topography allows the rear part of the dwelling to be in a rather sunken position whilst the frontage and flanks of the property being partially screened by farm buildings, trees and field hedgerows. Footpath 33/7 is to the south of the site but the extension is on the opposite side of the dwelling with several farm buildings, trees/hedgerows in-front. The surroundings therefore assist in reducing the impact of the extension on visual amenity and the character, appearance and countryside setting.

The proposed porch is a relatively small feature located centrally on the front elevation. Following the site visit, it would appear that the porch has already been recently constructed. It is however considered that it appropriately scaled and has a symmetrical design and appearance. It is also considered that the recently constructed porch is an improvement to the former porch, following examination of photographs of the property taken as part of the bat survey report.

Subject to a condition for the external finishes of all extensions to match those used in the existing property, it is considered on balance, the overall proposed development does not generate unreasonable visual harm or harm to rural character of the surrounding area and would comply with the requirements of Policy GP6. It is also noted that a similar sized extension was granted planning permission in July 2005 however it had not been implemented (S/10213 refers).

Correspondence has been received from the agent explaining that the proposed extension would be a type of annex to provide semi-independent accommodation to the children of the applicant. Although the extension would include all the elements needed for independent living, the plans show that a physical link would be provided between the existing dwelling and the new extension. The correspondence from the agent confirms that the existing house and the proposed extension would be retained as one planning-unit. The application is also described as an extension and has been submitted on householder forms with the corresponding fee. The application is for a domestic extension and not for holiday let accommodation, as raised by neighbouring residents. However, to avoid any doubt or confusion, it is considered prudent to impose a condition limiting the extension for use for purposes which are ancillary to the dwellinghouse.

A bat survey report has been submitted with the application. The report has surveyed the house and surrounding agricultural buildings and whilst it suggests proposals for the outbuildings (possibly further accommodation), those are not subject of this application. In reviewing the report, the Council's Ecologist has focused on matters associated with the proposed domestic extensions to the house. The Ecologist concludes that there is a reasonable likelihood that bats will not be affected by the development and states no objections subject to conditions and advisory notes. It is therefore considered that the proposal would not have a significant adverse effect on ecology/biodiversity.

The dwelling is in a relatively isolated location, away from any immediate residential property. The nearest residential property is approximately 90m away to the north and on the opposite side of the C-Class Road. A further cluster of residential dwellings are to the West at an approximate distance of 140m and are in a more elevated position. Comments made by local residents concerning possible holiday let uses of other outbuildings and associated issues arising from those uses are given limited weight since they do not form part of this application for household extensions. It is considered that the proposed domestic extension would not unduly harm the amenities of those neighbouring properties. It is also considered that the proposal would not unduly affect those visiting the cemetery which is approximately 150m away and in a more elevated position to the application site. Since each application is considered on its own merits and in context to relevant planning policy, guidelines and other material considerations, it is considered that the proposal would not set a precedent for other such proposals in the area.

Comments have been received from neighbouring residents regarding highway safety and the unsuitability of the public road to accommodate additional traffic. It is however



considered that a domestic extension to an existing dwellinghouse does not materially intensify the use of the public highway. Whilst the proposal would result in the loss of an attached garage, it is considered that there is sufficient space within the frontage of the property/communal farmyard to provide alternative off-street parking for this domestic dwelling. Lack of maintenance of the public highway and that it contains debris and flooding are not considered to be significant material considerations in the determination of a domestic extension to an existing dwelling. The site however is on the hillside, over 50m from the public highway and not within a flood risk area. It is also acknowledged that the proposed extension would partly replace an existing garage structure. As such it is considered that any increase in surface water arising from the would not be significant or detrimental to the locality.

## **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 development is acceptable and would not have any significant adverse effect on visual amenity, residential amenity, general amenity, drainage and flooding, parking and highway/pedestrian safety and ecology/biodiversity thereby satisfying Policies SP1, SP14, GP1, GP6, EQ4 and TR3 of the adopted Carmarthenshire Local Development Plan, Planning Policy Wales (Edition 11) and Technical Advice Note 12: Design.

## **Conditions and Reasons**

### **Condition 1.**

The development hereby permitted 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:

02 Rev. B – Proposed Floor Plans & Elevations (Scales 1:50, 1:100, received 22 March 2021)

03 – Proposed Site Plan (Scale 1:200, received 22 March 2021)

04 – Site Block Plan & Location Plan (Scales 1:200, 1:1250, received 22 March 2021)

*Reason:*

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

**Condition 3.**

The extension hereby approved, as shown on drawing 02 Rev. B – Proposed Floor Plans & Elevations (Scales 1:50, 1:100, received 22 March 2021), shall be used for private domestic purposes only which is ancillary to the enjoyment of the dwellinghouse and at no time shall a separate curtilage be established, or the development be let, leased, sold or otherwise disposed of as a separate unit of accommodation.

*Reason:*

In the interests of residential amenity, highway safety, sustainable development and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

**Condition 4.**

The materials to be used in the construction of the external surfaces of development hereby approved shall match those used in the existing dwelling.

*Reason:*

In the interests of visual amenity.

**Condition 5.**

The ecological enhancement measures specified under Section 4.2.3 (Recommendation 1 only) of the document “Bat Survey Report – Blaenau Isaf Farm [Reference IG2020BlaenaulsafFarm – [produced by I and G Ecological Consulting, dated January 2021] (received 20 January 2021)” shall be completed prior to the first beneficial use of the development hereby approved. The ecological enhancements shall then be retained as approved in perpetuity.

*Reason:*

In the interests of ecology and biodiversity.

**Condition 6.**

Prior to the installation of any external lighting within the curtilage of the dwellinghouse, a detailed lighting plan, focusing particularly on minimising lighting impacts to the proposed bat roosts and maintaining dark corridors, in accordance with the recommendations within Section 5 - Outline Method Statement of the document “Bat Survey Report – Blaenau Isaf Farm [Reference IG2020BlaenaulsafFarm – [produced by I and G Ecological Consulting, dated January 2021] (received 20 January 2021)” shall first be submitted to the Local Planning Authority for written approval. The lighting shall then be installed in accordance with the approved lighting plan.

*Reason:*

In the interests of ecology and biodiversity.

**Notes**

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

<b>Application No</b>	<b>PL/01348</b>
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<b>Application Type</b>	FULL PLANNING
<b>Proposal &amp; Location</b>	PROPOSED DEMOLITION OF EXISTING BUILDING AND THE SUBSEQUENT RECONSTRUCTION TO PROVIDE 12 NO. RESIDENTIAL CARE APARTMENTS (CLASS C2) AND ASSOCIATED ADMINISTRATIVE OFFICE AT 33-35 MURRAY STREET, LLANELLI, SA15 1BQ

<b>Applicant(s)</b>	PASS PROPERTY DEVELOPMENT
<b>Agent</b>	ASBRI PLANNING
<b>Case Officer</b>	ROB DAVIES
<b>Ward</b>	ELLI
<b>Date registered</b>	22/02/21

## 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 numbers 33-35 Murray Street, formerly known as Raffles club, as well as a small hardstanding area to the rear of the building beyond a lane, which is currently used as an informal parking area.

The site is positioned on the northern side of Murray Street, with the Conservative Club attached to the western side of the building and the entrance to the multi storey car park and the rear of the indoor market located to the east. The application site is within the defined settlement limits of Llanelli as delineated within the Adopted Local Development Plan, and is within the defined boundary of Llanelli town centre.

The site comprises a three storey disused building with a two storey rear projection to the north. The building used to operate as a bar at ground floor with club/night time venue on upper floors, but has been vacant for decades and has fallen into a state of dilapidation as a result.

The application site is not located within a conservation area, whilst the building contained within the application site is not offered any form of statutory protection.

Due to the site's location within the town centre boundary it is unsurprising that the immediate area is primarily commercial in character, with some residential principally on upper floors. The main shopping areas at Stepney Street, Vaughan Street, the indoor market and the St. Elli shopping centre are located to the north and north east of the site. The properties on the southern side of Murray Street comprise a variety of A3 uses including take aways, restaurants and public houses, where beyond that and further to the south the area becomes more residential in character with dense urban terraced housing.

The application site is marginally encroached by Zone C2. The Development Advice Maps referred to under TAN 15 shows that a small section to the south/south-east of the site is encroached by Zone C2. Zone C2 is defined as 'areas of floodplain without significant flood defence infrastructure'. The remainder of the application site is outside any defined flood zone.

## **Proposal**

The application seeks full planning permission for the demolition of the building and the redevelopment of the site by constructing a new contemporary building that will provide 12no. residential care apartments (Class C2) over three floors of accommodation. Four, two bedroom apartments are proposed on each floor with a small administrative office also provided at ground floor. A separate bike store and bin store are proposed on the smaller hardstanding area that forms part of the application site.

The main building proposed is rectangular in form and as aforementioned three storeys in scale and massing, similar to the attached Conservative Club. It is of a contemporary, flat roof design with its main entrance facing eastwards. The proposed pallet of external finishes is also contemporary in nature and consists of a mixture of render, cladding and grey brick to the walls and anthracite coloured capped roof. The proposed windows are also of a contemporary anthracite colour, whilst some curtain walling and fixed planters are also proposed.

The separate bike and refuse store building is a single storey timber construction with sloping roof.

The application does not specify the nature of residential care to be provided, however the internal layout proposed which provides for self-contained apartments suggests some form of independent assisted living.

Members will have noted from the Planning History relating to the site that unfortunately a number of failed attempts have been made to re-develop the site, including schemes approved for much larger and higher scale of developments.

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

- Pre-Application Consultation Report
- Design and Access Statement
- Dust Report
- Flood Consequences Assessment
- Drainage Report
- Bat Report
- Noise Vibration Plan
- Parking Statement

## **Planning Site History**

S/09203 - DEMOLITION OF EXISTING BUILDING AND PROPOSED CONSTRUCTION OF FLATS AND GROUND FLOOR OFFICES - Withdrawn. 06.09.2005

S/07493 - DEMOLITION OF EXISTING BUILDING AND PROPOSED CONSTRUCTION OF FLATS AND GROUND FLOOR OFFICES - Approved 27.09.04

D5/17202 - DEMOLITION AND REBUILDING OF REAR EXTENSION TO INCLUDE PITCHED ROOF AND NEW EXTERNAL FAÇADE - Approved 12.10.95

D5/16448 - DEMOLITION OF EXTENSION AND REBUILD - Refused 15.12.94

D5/7825 – BEER GARDEN AT FIRST FLOOR LEVEL – Refused 21.06.1984

D5/7793 - OFFICE AND STORE AREA - Approved 07.06.1984

D5/6601 – ADVERTISEMENT – Approved 16.09.1982

D5/6575 – CHANGE OF FRONT AND SIDE ELEVATIONS – 16.09.1982

D5/6574 - CONVERSION OF EXISTING CELLAR INTO EXTENSION TO LOUNGE AREA - Approved 16.09.82

D5/6503 – OFFICER AND STAFF ROOM – Approved 11.07.1982

D5/6280 - OFFICER AND STAFF ROOM – Refused 01.04.1982

D5/6193 - CHANGE OF USE FROM LICENSED BETTING OFFICE TO FREE TRADE PUBLIC LOUNGE - Refused - 11.03.82

D5/6030 – CHANGE OF USE FROM BETTING OFFICER TO PUBLIC BAR – Refused 29.10.1981

D5/5776 – LEISURE/BEER GARDEN TO REAR – Approved 25.06.1981

D5/3261 - CONVERSION OF EXISTING PREMISES INTO LICENSED RESTAURANT - Approved 01.02.79

D5/2003 – CHANGE OF USE FROM CARPET SHOWROOM TO TAKE AWAY – Refused 29.11.1976

# 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  
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  
GP4 Infrastructure and New Development  
H6 Residential Care Facilities  
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 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.

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

**Suds Approval Body** – No objection. Advise that SAB approval is needed.

**Llanelli Town Council** – No formal response received however has queried what sort of care can be provided under Class C2.

**Local Member(s)** – County Councillors J Jenkins has not responded to date.

**Natural Resources Wales** – No objection.

**Dwr Cymru/Welsh Water** - No objection subject to conditions and advisory notes.

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.

To date one letter of representation has been received raising the following points:-

- It is regrettable that the building has now deteriorated due to lack of occupation, maintenance and repair for several decades to such an extent that it is unviable to re-use. Yet another historic building in Llanelli is being lost.
- The principle of any scheme to further regenerate this area of Llanelli town centre is supported.
- The design and height of the built is a great improvement on an earlier scheme for six storeys.
- The proposal is for residential care/assisted living apartments. Could the applicant clarify the nature of the proposed occupancy?
- Composite plastic cladding should be used instead of wood to avoid future maintenance issues.
- The backdrop used in the 3D images is inaccurate.

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, unfortunately there have been a number of historic failed attempts to re-develop this site.

It is considered that the proposed scheme is highly sustainable, and will provide contemporary and high quality residential care living accommodation within the town which in turn will serve to diversify the nature of uses in this location.

The end product of the proposed development 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.

As aforementioned, whilst the nature of the care to be provided is not specified within the submission, the internal layout suggests independent assisted living. Such residential use is considered appropriate in this location.

### Impact upon character and appearance of the area

As aforementioned, the LPA has received one letter of representation, which supports the principle of regeneration but states that it is regrettable that the building has deteriorated to such an extent that its demolition is the only viable option. Notwithstanding this the letter



goes on to state that the design and height of the building is an improvement on an earlier scheme for six storeys.

It has already been noted in this report that the application site is not located within a conservation area, whilst the building is not listed or offered any form of statutory protection. The former Raffles building has little architectural merit and due to it being vacant for decades it has unfortunately fallen into a state of dereliction, to the detriment of the immediate locality. The principle of demolishing the building and site re-development has been established as part of historic, albeit un-implemented planning permissions.

The proposed contemporary development is considered acceptable in size, scale and design terms. It will actively enhance this part of Murray Street by removing a prominent dilapidated building and replacing it with a new modern development. The scale and massing is effectively a continuation of the Conservative Club, whilst the design ensures that scheme has a number of active frontages. The varying pallet of materials is considered appropriate and will serve the break up and create visual interest of the facades.

The re-development scheme proposed will, in the LPA's opinion have a significant positive impact on the area. The residential end use proposed will increase activity in this area of the town during both the day and evening times.

#### Privacy Impacts

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 application was accompanied by a Dust Report and Noise Vibration Plan which set out measures to control such impacts during demolition and construction phases. The completed development and end use proposed is considered to be fully compatible with such a town centre location.

The Authority's Public Health section has been consulted on the application and has raised no objection towards the proposed development subject to the imposition of conditions. These conditions relate to the implementation of dust control measures, and noise related conditions that restrict the timings of demolition and construction works and to impose noise restrictions with regards to the end use. With regards to the latter, it must be remembered that the historic established uses for the site are a bar and club, which in themselves would have generated noise late into the evening and early hours especially on weekends.

#### Biodiversity Impacts

The application has been accompanied by a Bat Survey Report which concluded that there was no evidence of Bats using the building.

On this basis the Bat report considers that 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.

Both NRW and the Authority's Planning Ecologist have reviewed the Bat report and raised no objection towards the proposed development. The Planning Ecologist has recommended the imposition of conditions relating to the precautionary recommendations, and also a condition relating to biodiversity enhancement, also as per the Bat Survey Report recommendations.

## Highway Impacts

Vehicular access to the site can be achieved to the south whereby the site is well connected to the main road network. Whilst there are no parking facilities provided within the scheme, the site is located within a sustainable town centre location accessible by a variety of means of transport. The multi storey car park is located immediately adjacent to the east.

The site is well served by pedestrian infrastructure, and is 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, not too distant to the east of the site.

At PAC stage, the Authority's Head of Highways advised that the proposed development (C2 use) may be considered less intensive use than the established commercial use when considering traffic generation and car parking requirements. The requirement for parking provision is less of a concern with a residential care facility than in comparison to C3 residential uses. Although, the nature of car parking requirements will differ for the proposed use whereby temporary parking for staff and visitors would be required, however these can be accommodated within existing and nearby public parking facilities.

The application has been accompanied by a parking appraisal statement which assesses the existing and proposed situation. The existing use does not benefit from having any designated off street parking provision. Whilst the hardstanding area that forms part of the application site is used for parking, this is on an informal basis and not linked to the existing building. The statement highlights the sustainability credentials of the site, whilst a bike store is also proposed as part of the proposed development.

The Authority's Head of Highways has considered the information submitted with the application and has raised no objection subject to the imposition of a condition requiring a Travel Plan to be developed for the benefit of users and occupiers of the development, and for this to be submitted and agreed in writing by the LPA prior to the occupation of the development. The response from the Head of Highways acknowledges the established uses made of the site and the site's sustainability credentials.

## 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 marginally encroached by Zone C2, which is defined as 'areas of floodplain without significant flood defence infrastructure'. The Development Advice Maps referred to under TAN 15 shows that a small section to the south/south-east of the site is encroached by Zone C2. Zone C2 is defined as 'areas of floodplain without significant flood defence infrastructure'. The remainder of the site is Zone A which is 'considered to be at little or no risk of fluvial or tidal/coastal flooding'.

The proposed development represents 'highly vulnerable' development as defined by TAN15.

Paragraph 6.2 of 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 flooding consequences. This was re-affirmed by the Chief Planning Officer's letter from Welsh Government dated the 9<sup>th</sup> January, 2014. Therefore it is accepted that the justification tests in Paragraph 6.2 of TAN15 do not apply to the proposed development. Therefore if a literal and rigid interpretation of TAN15 is adopted, it is accepted that the proposed development in respect of flood risk does not accord with national planning policy as set out in PPW and TAN15, and conflicts with criterion 'd' of Policy SP2 of the LDP.

### Other Material Considerations

Notwithstanding the above, whilst it is accepted that this proposed development is classed as highly vulnerable development and is marginally located within Zone C2, and thus does not strictly accord with PPW and TAN15, it is opined that there are other important material considerations which need to be considered in the overall balance in making an informed decision on this application.

The combined effect of s. 38(6) of the Planning and Compulsory Purchase Act 2004 and S. 70(2) of the Town and Country Planning Act 1990 is that the determination of an application for planning permission is to be made in accordance with the development plan unless material considerations indicate otherwise. Whilst the previous section of this report has identified a conflict with criterion 'd' of Policy SP2 of the LDP, along with PPW and TAN15 in terms of flood risk, this section highlights some important material considerations that need to be considered in the determination of this application.

Planning Policy Wales emphasises that the planning system should support economic growth and regeneration in the context of sustainable development, whilst 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) 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 proposed development represents a welcomed town centre regeneration scheme on a brownfield site. The site currently consists of a building that has unfortunately been vacant for decades and as a result has fallen into a state of neglect and dilapidation to the detriment of the immediate area. The proposal provides for a contemporary development that will actively enhance the immediate environment and introduce a suitable use in this location of the town.

Some areas of the town centre have seen a marked deterioration in terms of their overall appearance and environmental quality in recent years, whilst the town's retail and commercial function has suffered due to the advent of out-of-town retail, general decline and changes in the retail sector and more recently the adverse effects resulting from the Covid 19 pandemic. Parts of Murray Street are no different in this respect, notably the application site and Park Street Church.

The continued re-development of Llanelli Town Centre is a key priority of the Local Authority and a dedicated Task Force for Llanelli which comprises of key town centre stakeholders from a mix of different organisations has been set up to seek to address the current issues. The main purpose of the task force is to drive forward initiatives to ensure the future success and vibrancy of the town centre through a collaborative and holistic approach.

The County Council's own strategies for the regeneration of Llanelli closely align with those of Welsh Government under the Targeted Regeneration Initiative (TRI) Programme which is aligning significant investment and resource into addressing, in particular, empty properties within the town centre and re-introducing a new and modern building stock to support a mix of end uses in accordance with the Welsh Government's Town Centre First Strategy.

It is considered that this proposed private sector development will assist with the delivery of the Local Authority's regeneration strategy aimed at improving Llanelli town centre. The proposal accords with the key priority themes and actions of the Llanelli Task Force which seeks to reduce the number of derelict buildings, improve the environment and improve the commercial offer.

Whilst the Local Authority has directly intervened to deliver sustainable change and to bring forward schemes at Stepney Street, the northern end of Market Street and the former YMCA due to a lack of private sector interest, it is encouraging to see this private sector led scheme coming forward. The proposed end use is considered appropriate, and will assist in achieving a variety of uses in the town centre.

In addition to improving the environmental quality of the area, and contributing towards the aims of creating a town centre as a location to live, work and visit, there will be an element of welcomed care related jobs created by the proposed development. In addition to the employment created by the end use, it is highly likely that local building contractors and supply firms will benefit during the demolition and construction phases.

The proposed development will also have positive social impacts by providing needed residential care/supported living accommodation within the town.

Given the Town Centre location, the site is highly accessible by a range of public transportation options. As such the proposed development is considered to be highly sustainable and will provide residential accommodation that is likely to benefit local town centre businesses through linked trips.

The site itself which occupies a prominent position near to the entrance to the main multi storey car park is currently detrimental to the appearance of Murray Street given its vacant and a derelict nature. The proposed development will however provide a modern development that will actively enhance and provide a positive image of the town on the approach on this side.

As aforementioned the current Covid 19 health crisis has undoubtedly had a massive adverse impact on the economy in general, and especially on our town centres with enforced remote working, and there are many uncertainties moving forward. In this regard the proposed development represents welcomed developer confidence in the town, and will have positive economic, social and environmental outcomes.

On the basis of the above, the LPA is satisfied that there are overriding reasons to warrant detailed consideration of such a proposal and accompanying FCA in order to establish whether the risks and consequences of flooding can be managed to an acceptable level.

### Flood Consequences Assessment

As already noted in this report, the planning application was accompanied by a site-specific Flood Consequences Assessment produced by Tulip Engineering Consultancy, which provides technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15. Whilst acknowledging the planning policy position, it is considered

useful to summarise the key conclusions of the FCA and the expert technical advice offered by Natural Resources Wales in their response to the application.

The FCA states that Lidar ground contours show ground (road and footpath) levels in the general vicinity of the development site range between 8.0-8.3m AOD, with the Murray Street carriageway level adjacent to (south of) the site at 7.9m AOD, and the ground level immediately east of the site slightly higher at 8.1-8.2m AOD.

The Lliedi river is culverted through the town centre and therefore the flood risk to the site is fluvial from the Afon Lliedi and not tidal.

The FCA states that the footprint of the new building is slightly smaller than the existing (295sqm existing, 260sqm proposed) as a result of being offset from the boundaries to the south and east. However the existing 95sqm rectangular informal car park is to occupy a cycle and bin store building. As a result the FCA opines that there will be no flooding elsewhere and, in fact there will be a slight betterment, and that no compensatory flood storage is proposed as a result.

Whilst the proposed development is within the LDO area, it cannot benefit from the provisions of the LDO due to its redevelopment nature. The FCA nevertheless draws reference to the Strategic FCA and model that informed the LDO, which applied 30% climate change scenarios and two blockage scenarios.

As confirmed in the response from Natural Resources Wales, the model demonstrates that the 1% plus climate change Annual Event Probability (AEP) outline reaches the edge of the development boundary but the site itself remains flood free and therefore complies with Table A1.14 in TAN15. This is also the case during the 0.1% AEP outline as the internal finished floor level of the building will be set 150mm higher than external ground levels. The updated modelling also indicates that the proposed cycle/refuse store is to remain flood free in all scenarios.

Notwithstanding the above, the FCA also recommends other robust flood resistance and resilience measures to protect the property are incorporated into the building design and construction, including entrance flood gates, flood resilient doors and windows, self-closing air bricks, and elevated electrical sockets. It also recommends that the developer signs up to NRW's Floodline service.

The Design and Access Statement states that the applicant via this submission, confirms that they acknowledge the risks of flooding associated with the site, and have also confirmed that as landlord, they will produce their own flood management plans, keep these updated and communicate these to future tenants.

In terms of emergency access and egress, the updated model indicates that peak floodwater along Murray Street, at 150-300mm, remains within the 0.6m guideline depth referred to in Table A1.15 in TAN15. However as noted by NRW in their response the velocity of floodwaters is shown to be within 0.2m/s – 0.5m/s and therefore may not be compliant. In this regard Table A1.15 recommends a maximum velocity of 0.3m/s, however this figure is for indicative purposes only and needs to be considered on a site by site basis reflective of adequate warning and other appropriate mitigative measures. In this regard the applicant has confirmed that flood management plans will be produced and communicated.

The FCA concludes that the requirement for an FCA for this development was considered marginal and that in the context of the site proposals and with the above mitigation measures in place, it is considered that the risk and consequences of flooding can be managed to an acceptable degree, and that the application can proceed on the grounds of flood risk.

NRW whilst drawing reference to the policy position has raised no specific objection to the development.

As aforementioned, the positive regeneration benefits of this proposed development is a significant material consideration in the determination of this application. There are also clear social, environmental and place making benefits associated with the proposed development.

Resisting redevelopment on this site would have a significant detrimental impact on the regeneration aspirations for Llanelli town centre, and will result in a vacant building being left to deteriorate further. Whilst the flooding Policy position is acknowledged, the LPA considers that the applicant has demonstrated through the submission of an FCA that the risks and consequences of flooding can be managed, especially when compared to the existing situation. For instance it is understood that the existing building has a basement/cellar, with no such basement proposed as part of the redevelopment. The FCA has been appraised by NRW, who again whilst acknowledging the policy position, has not objected to the management and mitigating approach adopted similar to the LDO.

Therefore whilst the FCA acknowledges, and the LPA accept that the proposed development does not comply with PPW, TAN15 and criterion 'd' of Policy SP2 in terms of flood risk, the LPA are satisfied that there are, in this instance, overriding "other material" reasons for considering to grant planning permission contrary to national planning policy.

### 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 also enters the combined sewer at an unattenuated rate. The site at present is 100% impermeable.

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, the drainage strategy assesses options using the hierarchical approach. In this respect it concludes that infiltration is not an option, whilst discharge to a watercourse is also not an option also. It is therefore proposed to segregate surface water flows and direct surface water to nearby highway drains, albeit at an attenuated rate. The strategy proposes an attenuation tank below the bike and bin store to achieve this.

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 betterment in comparison to the existing situation. The Drainage Report states that the level of foul flows generated from the proposed 12 apartments, when compared to the previous night-club and bar use is substantially less in terms of over-all volume. This reduction in foul flows, coupled with the reduction of surface water flows into the combined system will ensure compliance with the CBEEMS Memorandum of Understanding in terms of betterment.

In relation to drainage it is also worth noting that relevant consultees including Dwr Cymru/Welsh Water and the Authority's SAB team have raised no objection.

### Air Quality

Whilst the proposed development site is located within the Llanelli Air Quality Management area, the Authority's Environmental Health section have raised no concerns in terms of air quality. They have nevertheless requested that a condition is imposed requiring the dust mitigation scheme to be implemented in accordance with the details provided.

Whilst the development proposes new residential development within the designated AQMA, the existing built form and established uses must be acknowledged in this respect.

### Other Matters

In terms of the point raised by a third party regarding the accuracy of some of the backdrops in the 3D computer generated images submitted with the application, whilst this is noted, such drawings are not statutorily required and they are for information purposes only to illustrate the proposed development itself.

## **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, Criterion 'D' of Policy SP2 of the LDP is not adhered to. In this regard, a proposal does not need to comply with each and every policy (or indeed each and every part of a development plan policy) in the development plan in order to comply with the development plan as a whole as noted in R v Rochdale Metropolitan Borough Council ex p Milne [2001].

Whilst the LPA accept that the proposed development does not comply with PPW and TAN15 in terms of flood risk, the LPA are satisfied that there are, in this instance, overriding "other material" reasons for considering to grant planning permission contrary to national planning policy.

As with all planning applications, an on-balance decision must be made taking into consideration a number of factors.

As aforementioned Paragraph 5.4.4 of PPW states that:

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

whilst TAN 23 Economic Development (2014) 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.

As aforementioned, the positive economic investment and regeneration benefits of this proposed development are considered to be significant material considerations in the determination of this application. The scheme is positive for Llanelli town centre, especially in the current economic climate, and contributes in a positive manner to the placemaking objectives of PPW and will improve the well-being of the community by having clear social benefits also.

The scheme involves the re-development of a brownfield site within a sustainable town centre location, and will actively enhance the immediate environment. Certain parts of Murray Street, including the application site have deteriorated in recent years and the immediate environment has suffered as a result. The introduction of this contemporary development on a prominent corner site will enhance the street scene and introduce a habitable use on a site that has unfortunately been vacant for decades.

The size, 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 location.

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 or technical objections. It is considered that the comments received have adequately been addressed as part of the above appraisal.

Notwithstanding the identified conflict with criterion ‘d’ of Policy SP2 of the LDP and TAN 15, as already noted in the report measures can be introduced within the scheme to manage and mitigate flood risk in comparison to the existing situation. Considering all relevant considerations, despite the identified conflict with criterion ‘d’ of Policy SP2 of the LDP, the LPA concludes that the proposal does comply with the LDP as a whole. In this instance, it is considered that the regeneration benefits of the development outweigh the identified conflict with national planning policy on flood risk.

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.

## **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 18<sup>th</sup> February, 2021:-

- Block and location plan (11) 1:200; 1:1250 @ A3
- Existing elevations (01) 1:200 @ A2
- Proposed ground floor plan (02) Rev A 1:100 @ A1
- Proposed first floor plan (03) 1:100 @ A1
- Proposed second floor plan (04) 1:100 @ A1
- Proposed elevations (05) 1:100 @ A1
- Proposed elevations (06) 1:100 @ A1
- Proposed 3D view (07) @ A1
- Proposed material diagram (09) @ A1
- Proposed floor plans and elevations for cycle bin store (12) 1:50; 1:100 @ A3
- Proposed night time street view (13) @ A1
- Proposed day time street view (14) @ A1
- Surface water drainage plan (300 Rev O) NTS @ A1

*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.**

Prior to the beneficial use of the development hereby approved the cycle storage and refuse storage building shall be constructed and made available for use. Thereafter the building shall be retained as such in perpetuity.

*Reason:*

In the interest of encouraging sustainable methods of travel and in the interest of visual amenity.

## **Condition 5.**

Prior to the beneficial use of the development hereby approved 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 encouraging sustainable methods of travel and in the interest of highway safety.

### **Condition 6.**

The development should be undertaken in strict accordance with the Dust and Air Pollution Control Measures outlined in the Dust Report received by the Local Planning Authority on the 18<sup>th</sup> February, 2021.

*Reason:*

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

### **Condition 7.**

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

- 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.
- Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
- Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.

*Reason:*

In the interest of human health.

### **Condition 8.**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason:*

In the interest of human health.

**Condition 9.**

The development should be undertaken in strict accordance with the Recommendations made in Section 4.2 and Section 5 Outline Method Statement of the Bat Survey Report produced by I&G Ecological Consulting received on the 18<sup>th</sup> February, 2021

*Reason:*

In the interest of protected species.

**Condition 10.**

Prior to the installation of any external lighting a detailed lighting plan, focusing on minimising lighting impacts near to proposed bat roosts and maintaining dark corridors shall be submitted to the local planning authority for written approval. Thereafter any such scheme shall be implemented as approved.

*Reason:*

In the interest of protected species.

**Condition 11.**

The development should be undertaken in strict accordance with the recommendations made in Section 6 the Flood Consequence Assessment report by Tulip Engineering Consultancy received on the 18<sup>th</sup> February, 2021

*Reason:*

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

**Condition 12.**

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 by Francis Sant received on the 18<sup>th</sup> February, 2021. 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 13.**

The development hereby approved is to use the building as Residential Care Apartments only and for no other purpose including any other purpose in Class C2 of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without variation.

*Reason:*

In the interest of preserving amenity and so as to remain within the Use Class specified in the General Development Order.

#### **Condition 14.**

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 practise for noise and vibration control on construction and open sites. Vibration and/or its subsequent amendments.

*Reason:*

In order to preserve amenity.

#### **Condition 15.**

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+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.

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 premises and shall be maintained as agreed thereafter.

*Reason:*

In order to preserve amenity.

#### **Condition 16.**

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 emissions arising from the development to determine whether they exceed the sound levels specified in condition 15. The assessment shall be undertaken under the supervision of the Local Authority.

*Reason:*

In order to preserve amenity.

#### **Condition 17.**

In the event that Condition 15 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 15. These measures will then be implemented forthwith.

*Reason:*

In order to preserve amenity.

### **Condition 18.**

The proposed habitable rooms intended for residential purposes shall be designed so as not to exceed the noise criteria based on current figures by BS8233 "good" conditions given below:

- Bedrooms (23:00 – 07:00): 30dB L<sub>Aeq</sub> and 45LA<sub>max</sub>
- Living rooms (07:00 – 23:00): 35dB L<sub>Aeq</sub>
- Gardens and outdoor amenity areas (07:00 – 23:00): 50dB L<sub>Aeq</sub>

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 amenity.

## **Notes**

### **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.