

**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 19 EBRILL 2017  
ON 19 APRIL 2017**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal  
Dwyrain/  
Area East*



**Cyngor Sir Gâr  
Carmarthenshire  
County Council**



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yn 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>19 APRIL 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>E/32266</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED DEVELOPMENT OF PHASE 2 OF THE CROSS HANDS ECONOMIC LINK ROAD BETWEEN THE EAST STRATEGIC EMPLOYMENT SITE AND THE A476 LLANDEILO ROAD WITH JUNCTIONS TO BLACK LION ROAD, NORTON ROAD AND LLANDEILO ROAD, ASSOCIATED DRAINAGE AND LANDSCAPING WORKS TOGETHER WITH THE DEMOLITION OF 2 PROPERTIES WITH ASSOCIATED GARAGES AT 99 AND 101 NORTON ROAD, PENYGROES AT A CORRIDOR THROUGH PASTURE LAND, FROM EAST STRATEGIC EMPLOYMENT SITE TO LLANDEILO ROAD, CROSSING BLACK LION ROAD AND NORTON ROAD

<b>Applicant(s)</b>	CCC - TECHNICAL SERVICES DEPARTMENT , PARC MYRDDIN, RICHMOND TERRACE, CARMARTHEN, SA31 1HQ
<b>Agent</b>	CARMARTHENSHIRE COUNTY COUNCIL , ENVIRONMENT DEPARTMENT, PARC MYRDDIN, RICHMOND TERRACE, CARMARTHEN, SA31 1HQ
<b>Case Officer</b>	John Thomas
<b>Ward</b>	Llandybie
<b>Date of validation</b>	07/07/2015

## CONSULTATIONS

**Head of Transport** - No objection.

**Head of Public Protection** – No objection subject to the imposition of appropriate conditions

**Hydrology Section** – No objection, subject to conditions.

**Gorslas Community Council** - No observations received to date.

**Llanfihangel Aberbythych Community Council** – No objection.

**Llandybie Community Council** - Supports the approval of this application.

**Local Members** (Llandybie, Llanfihangel Aberbythych and Gorslas) - County Councillors C Campbell, D Price, and S Thomas have not commented to date. County Councillors T Davies, is a member of the Planning Committee and therefore has made no prior comment.

**Dwr Cymru/Welsh Water** - No objection, but do draw reference to advisory notes.

**Natural Resources Wales (NRW)** – Previous concerns were expressed with regard to the potential ecological impacts of the scheme. Re-consultation following receipt of supplementary environmental information has not provided any formal response to date.

**Coal Authority** – Did have initial concerns due to the presence of historic mining activity. However, no further observations have been received in response to re-consultation on the further supplementary information received.

**Dyfed Archaeology** – No objection as there are no historic constraints on site.

**South Wales Trunk Road Agency (SWTRA)** Does not want to raise any objection or make any direction in respect of the application.

**Public Rights of Way Officer** – No objection.

**Royal Society for the Protection of Birds (RSPB)** - Objection on the grounds of a deficient EIA, as it is opined that the EIA does not address the following issues:

- potential adverse impacts to populations of birds of acknowledged conservation importance;
- deficient in bird surveys and lack of appropriate mitigation.

**Neighbours/Public** - The application is accompanied by an Environmental Statement and has been publicised as an EIA development, inclusive of the posting of a number of site notices in the vicinity of the application site, as well as public notice in the local press.

As the application has been the subject of the submission of further supplementary environmental information, a further re-publicising exercise was undertaken. In response to both publicity exercises six letters of representation have been received, objecting or expressing concern with the application for the following reasons:-

- Uncertainty for property owners attached to buildings earmarked for demolition;
- Lack of specific provision for horse riders;
- Proposal is contrary to Local Development Plan (LDP) policy, and no route is defined;
- Current proposal does not represent the most appropriate option, or match precisely those subject to the public consultation exercise;
- Lack of supporting ecological survey work;
- Absence of a construction method statement;
- Impact on the amenity of a number of adjoining residential properties;

- Limited information on the proposed landscaping of the scheme;
- Little in the form of screening or buffer areas;
- Visual impact from raising the road where it crosses and dissects Norton Road;
- Does not include any form of mitigation measures;
- Query over the precise accommodation works to safeguard existing accesses onto the A476 Llandeilo Road;
- Existing vehicular access and exit problems to domestic properties along Black Lion Road;
- Increased traffic following the opening of Phase 1 of the ELR, which will only get worse with Phase 2;
- Increase noise following the opening of Phase 1, which is anticipated to increase with Phase 2.

## RELEVANT PLANNING HISTORY

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

E/32720	Residential development of 70 no. domestic units	Pending
E/32797	Demolition of former forge including bungalow and garage and 3 no. summer houses Prior Notification (prior approval not required)	28 October 2015
E/29521	Proposed minor amendments to plots 4, 5, 6, 7 and 8 of Phase 1, Parc Emlyn Full planning permission	17 April 2014
E/26842	Creation of new vehicular and pedestrian access off Norton Road, Penygroes, together with construction of 9 x 3 bedroom bungalows, including associated area of landscaped open space Full planning permission S106 Signed - Marsh Fritillary Butterfly	01 March 2013
S/23781	Proposed development of the Crosshands East Strategic Employment Site (SES) access road, comprising a new 7.3m single carriageway road, verge, footpath/cycleway, new Crosshands Business Park four arm roundabout junction, gated livestock access, new ghost island priority junction to the proposed SES, new simple priority junction onto Black Lion Road, new simple priority junction onto Heol Parc Mawr, ghost island priority junction at Meadows Road, footpaths, lighting, drainage, retention pond, landscaping,	

retaining walls, site remediation, plus associated engineering operations  
Full planning permission

29 November 2012

- E/23536 Variation of Condition No 1 imposed on planning permission E/16745 granted on 22.08.07 as follows:  
"Application for approval of the outstanding Reserved Matters must be made to the Local Planning Authority before 20 October 2013 and the Development must be commenced not later than whichever is the later of the following: (A) the expiration of 5 years from the date of permission; (B) the expiration of 2 years from the date of approval of the last of the Reserved Matters to be Approved"  
Variation of planning condition 20 October 2010
- E/23535 Variation of Condition no 1 imposed on planning permission E/16744 granted on 22.08.07 as follows:  
"Application for approval of the following Reserved Matters: design; external appearance; for Phase 2 and 3 must be made to the Local Planning Authority before 20 October 2013 and the development of these phases must be commenced not later than whichever is the later of the following: (A) the expiration of 5 years from the date of permission; (B) the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved"  
Variation of planning condition 20 October 2010
- E/21059 Section 73 planning application for the Variation of Condition No 1 of Reserved Matters approval GW/04743 to extend timescale for commencement of development  
Variation of planning condition 30 June 2009
- E/16745 Mixed use redevelopment including residential units (number to be determined at Reserved Matters stage):  
Section 73 application permission ref. GW/04742 – seeking a further period of 3 years from the date of a renewed permission to submit Reserved Matters (Site Ref D)  
Variation of planning condition 22 August 2007
- E/16744 Mixed use redevelopment including residential, health, commercial and retail developments: Section 73 application permission ref GW/04746 - seeking a further period of 3 years from the date of a renewed permission to submit Reserved Matters (Site Ref C)  
Variation of planning condition 22 August 2007



E/02799	It is proposed to erect 2 spans of 11,000 volt overhead line Overhead line approval	20 September 2001
E/02150	Industrial, warehousing, commercial and residential development (Class B1, B8, A2 and C3 of the Town & Country Planning (Use Classes) Order 1987) including the erection of buildings, creation of amenity open space, re-profiling the levels of the site, and associated building, engineering and other operations Outline planning permission	21 August 2000
GW/04746	Section 73 application to extend the time period for the submission of the remaining Reserved Matters for Phase 2 and 3 (design and external appearance) Full planning permission	24 September 2004
GW/04745	Details of landscaping (Reserved Matters application to Outline Application E/02150 approved 21.08.00) Reserved Matters approval	24 September 2004
GW/04744	Details of access (Reserved Matters application to Outline application E/02150 approved 21.08.00) Reserved Matters approval	24 September 2004
GW/04743	Details for Phase 1 of development and siting for Phase 2 and 3 (Reserved Matters application to Outline application E/02150 approved 21.08.00) Reserved Matters approval	24 September 2004
GW/04742	Mixed use redevelopment comprising residential units (bungalows x5); new access to North Road; retirement homes (in association with development of adjoining land); and associated engineering works Outline planning permission	18 November 2004
E/02415	Dwelling (renewal of E/00719) Outline planning permission	23 November 2000
E/09526	Proposed bungalow Outline planning permission	29 April 2005
E/00719	Dwelling Outline planning permission	24 October 1997
P6/253/95	Bungalow Full planning permission	29 June 1995
P6/15606/89	Brickmaking. Clay extraction. Full planning permission	23 November 1989

P6/11064/85	Importing tip waste Refused	04 April 1986
P6/11063/85	Light industrial buildings Refused	08 May 1986
P6/7743/81	Removal of refuse tip and reinstatement Full planning permission	07 January 1982
P6/7710/81	Proposed 10 bungalows Withdrawn	06 January 1983
P6/5178/79	Removal of refuse tip Full planning permission	27 November 1980

## **APPRAISAL**

**This is an application which Carmarthenshire County Council has an interest in as landowner and developer.**

## **THE SITE**

The application site comprises of a linear strip of land which extends from Black Lion Road to the South, across predominantly open countryside - albeit dissecting the B4556 Norton Road - and merging with the A476 Llandeilo Road at the B4297 Gate Road Junction at its Northern extent. The gently undulating landscape across which the application site extends is made up of small, semi-regular, pastoral fields bordered by dense hedgerows and hedgerow trees. The land is semi-improved, mainly grazed marshy grassland which has not been managed in any meaningful way, while there are also a small number of broadleaved woodland pockets and areas of scrub within envelope of the application site.

At the point where the application site is shown to cross the B4556 Norton Road, an area to the East and South taking in a small part of the former Emlyn Brickworks site is also included, abutting Norton Road at a point West of no. 62 Norton Road. Two residential properties falling within the application site at this intersection with Norton Road, namely nos. 101 & 99 Norton Road are directly affected, as is one further residential property The Forge located on Black Lion Road. The latter property, initially included within the description of the application has, in the interim period following the submission of this application been demolished under a separate prior notification application E/32797.

There are a number of Local Biodiversity Action Plan (LBAP) habitats located in or adjacent the application site which are of intrinsic scientific value, as well as supporting important habitats and species. The Caeau Blaen-yr-Orfa SSSI lies to the immediate West of the application corridor, while the proposed Gorslas Bog pSSSI stands a comparatively short distance further west. A further key sensitive environmental area is the Caeau Mynydd Mawr Special Area of Conservation (SAC), a notable mobile feature of which is the Marsh Fritillary Butterfly (MFB). The application site falls within the metapopulation habitat area used by the MFB and is highly likely to be associated with the Caeau Mynydd Mawr SAC. The areas of suitable habitat within and surrounding the footprint of the proposed application scheme are therefore considered to be of importance at a European scale in terms of their value to the SAC metapopulation.

## PROPOSAL

The proposal seeks full planning permission for the construction of a 2 km length of new single carriageway road (one lane in each direction) as a continuation of the initial Phase 1 road that links Heol Parc Mawr and Black Lion Road completed in 2016. The proposed link road would sustain two way traffic flows on a single carriageway consisting of two 3.65m wide running lanes and two 1m wide hardstrips. The proposed new link road would have the typical cross section of a 9.3m wide carriageway with grass verges at each side, together with a 3 metre wide shared footway/cycleway set in the Western verge, running alongside the entire length of the scheme. The verge areas would be planted and graded accordingly. The ELR will facilitate access onto the existing road network as follows:

- C2060 Black Lion Road – staggered priority junction;
- B4556 Norton Road – staggered priority junction; roundabout along the eastern arm of the junction providing access to Norton Road (east); and
- A476 Llandeilo Road – staggered priority junction.

The road design is stated to be fully compliant with the requirements of the Design Manual for Roads and Bridges (DMRB), the design and character of which will be consistent with that constructed in Phase 1. The design speed of this section of road will be 40 mph, albeit the speed limits will decrease at both transitional ends. The vertical alignment has been set to minimise visual impact and assist with balancing the earthwork quantities. There is a single section of earthworks cut (175m long with a maximum depth of 6 m below existing adjoining terrain). The remainder of the proposed road lies on earthworks fill with a maximum depth at 6.5m high above existing adjoining terrain. In general, the majority of the road follows the existing terrain, with the objective of achieving an earthworks balance.

Originally conceived in the 1990's as part of the then Gwendraeth Valley Link Road which was intended to run from Cross Hands down the Gwendraeth Valley to Kidwelly. Both the alignment and extent of the route have changed in the intervening period as the scheme objectives have evolved. Now referred to as the Cross Hands Economic Link Road (ELR), the scheme objectives are:

- Improve access to the proposed East Strategic Employment Site and other proposed economic developments within Cross Hands and the surrounding area;
- Relieve congestion and improve safety on the A48 Cross Hands roundabout which is on a Trans-European Route;
- Relieve congestion and improve safety on the A476 Gorslas “six-ways” Junction;
- Improve journey time reliability through the A48 Cross Hands roundabout and the A476 Gorslas “six-ways” Junction;
- Improve safety on the A476 Llandeilo Road as part of the ‘Safer Routes in Communities’ programme;
- Improve noise and air quality on the A476 Llandeilo Road;
- Support the delivery of the overarching objectives of the Regional Transport Plan; and

- Facilitate the scheme being delivered in phases.

Identified as one of a pool of projects under the Regional Transport Plan (RTP), the ELR has been split into 3 distinct phases:-

- Phase 1: A48 junction (“the diamond”) to Black Lion Road;
- Phase 2: Black Lion Road to A476 Llandeilo Road (north of Gorslas square); and
- Phase 3: A48 junction to A476A476 Heol Bryngwili (south of Cross Hands).

Phase 1 was granted planning permission under application S/23781 and has been developed as part of the access to the Cross Hands East Strategic Employment Site (ESES), a fully serviced business park allocated in the Carmarthenshire Local Development Plan (LDP).

Phase 2 – the subject of this planning application - has been progressed through the WeITAG stage 1 and stage 2 route options appraisal, undertaken on behalf of the Council by external consultants. The Stage 1 appraisal considered six corridor options, three of which then became route options appraised under Stage 2 of the WeITAG exercise – Options Assessment Report. These studies considered various route options against agreed environment criteria. Public consultation in the form of a Public Information Exhibition followed by a Public Consultation Exhibition helped inform and develop the preferred route option alignment.

Informed in part by the public consultation and participation exercise, and based upon the information contained in the WeITAG stage 2 Options Assessment Report, the applicant and their consultants did engage in pre-application discussions with officers resulting in the submission of a formal screening request under the provisions of Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations (SI 1999/293) (As Amended) (EIA Regulations). By virtue of the nature, scale and location of the development, falling within the qualifying thresholds and criteria of a Schedule 2 Project to the EIA regulations, being that the proposal amounts to an Infrastructure Project - (f) Construction of roads (unless included in Schedule 1) and the area of works involved would exceed 1 hectare. As such, a closely scoped EIA was requested given the highly environmentally sensitive nature of the proposal, having regard to ecological features and high sensitivity of the area. Assessed against the ‘significant environmental effects’ selection criteria contained within Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, it was concluded that the project would have the potential to have a significant environmental impact and an EIA would need to be undertaken.

The EIA commissioned and undertaken for the application covers the following principle topic areas:-

- Noise
- Local Air Quality
- Greenhouse Gas Emissions
- Landscape and Townscape
- Biodiversity
- Soil
- Heritage
- Water Environment

## Noise

A quantitative assessment of the potential noise impacts for each of the three route options identified under Stage 2 of the WeITAG, were undertaken in accordance with the Design Manual for Roads and Bridges, Volume 11, Section 3, Part 7 - Noise and Vibration (Revision 1).

A noise modelling exercise for sensitive residential receptors identified within the defined calculation area was undertaken to ascertain the worst case scenarios for those properties. Predicted noise levels for the “Do Nothing” situation were calculated based on the layout of the existing road network, existing traffic flows, percentage of heavy vehicles, etc. to provide a baseline assessment against which to consider the different route options.

Based upon the predictions undertaken for the “without” and “with the scheme” scenarios, inclusive of the anticipated year of opening and the design year (2032). The calculations show that there would be Net Present Value (NPV) benefits for all three Stage 2 route options, as well as Net Noise Annoyance (NNA) improvements. Of the three route options, the “Orange” route option 5 was assessed as the most beneficial from a noise point. The “Orange” route is the preferred route option which is the subject of this planning application.

## Local Air Quality

An assessment of air quality effects associated with the proposed route options was undertaken to consider whether the air quality in the locality was suitable for the proposed scheme.

The scheme area for the purposes of the baseline assessment is characterised as predominantly residential in a rural area, with sensitive receptors located in close proximity to the existing transport network. The proposed route options would cut across undeveloped grassland and anticipated to divert traffic away from existing relatively busy areas on the surrounding network, and as such has the potential to impact new sensitive receptors. The current proposal involves the removal of two existing sensitive receptors, namely Nos. 99 and 101 Norton Road which are to be demolished, which may otherwise have been affected.

The study qualifies that there are no Air Quality Management Areas (AQMAs) within the vicinity of the scheme and local air quality is considered to be good.

There are three declared sites of special scientific and conservation interest (SSSI and SAC) within 200m of ‘affected’ roads, and these have the potential to be adversely impacted as a result of traffic emissions generated by the proposed route options. On this basis, an assessment of the potential impacts on air quality was undertaken using the Design Manual for Roads and Bridges (DMRB) 1 screening spread sheet tool. The key objectives of which are to assess:

Operational Effects (Local and Regional Air Quality): to describe the significance of the potential air quality effects resulting from changes in traffic flow characteristics on the local road network due to the operation of the proposed route options, with due regard for any impacts on the human health and sensitive vegetation and ecosystems.

The main pollutants of concern in the assessment were those specified in WelTAG2 guidance associated with vehicle exhaust emissions, nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub>).

Air pollution can have both chronic (long term) and acute (short term) adverse effects on health, while the emissions of oxides of nitrogen (NO<sub>x</sub>) and acid deposition on vegetation can have detrimental impacts on species and habitats, particularly on more nitrogen sensitive ecosystems such as those that exist in and around the application site.

The initial assessment of the three route options considered five scenarios, namely the various route options as well as the “existing” and projected “without scheme” scenarios. The associated modelling included both human and ecological receptor locations, concluding that the predicted concentrations for the three route options would not exceed Air Quality Objectives for either NO<sub>2</sub> or PM<sub>10</sub> for any human or ecological receptor location, with the “Orange” route option emerging as the most beneficial in terms of overall annual mass emissions. This would principally be the result of traffic being diverted from the A476 onto the road scheme route.

Subsequent to the submission of the planning application and ES in 2015, a further air quality survey was commissioned and undertaken on behalf of the applicant by Ricardo Energy and Environment. The aim of this later study was to assess the fall-off of nitrogen dioxide (NO<sub>2</sub>) and ultrafine particle (UFP) concentrations from the roadside (A476) into the SSSI and provide a baseline assessment to determine the likely extent of operational impacts from fall-out either side of the proposed route of the road. Concentrations of pollutants in air and deposition of particles can damage vegetation directly or affect plant health and productivity. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affect pH and nitrogen availability that can then affect plant health, productivity and species composition. This is made clear in DMRB published guidance and used in undertaking the EIA.

Therefore, the potential exists for the loss or degradation of additional habitat suitable for MFB to occur beyond the red line boundary of the application site. The potential would however reduce as the distance from the road increases, albeit the impact of changes in habitat assemblage and prevalence of Devil’s-Bit Scabious (food plant).

Based upon the results of the investigation of pollutant concentration fall-off from the roadside, the area either side considered likely to suffer for any significant fall-out should be set at 20m from the kerb line (predicted >1% in nutrient nitrogen deposition). This measure has been accepted and used to calculate the level of financial contribution to be paid in mitigation for the direct loss and fragmentation of habitat within the MFB metapopulation area, as set out in the Caeau Mynydd Mawr SPG.

### Greenhouse Gas Emissions

In order to compare the route options, approximate carbon dioxide emissions from traffic for each route option has been calculated and provided for the opening year for comparative purposes, using the DMRB methodology. All three corridor options for the Stage 2 WelTAG assessment showed slight increases in emissions over the “No Development” scenario for the purposes of the opening year comparison.

## Landscape and Townscape

The potential impacts of the 3 route options under WeITAG Stage 2 were assessed for impacts associated with both the construction and operation phases. The study area was determined by the Zone of Visual Influence (ZVI) using data gathered from desk study work, previous studies, aerial photographs, Ordnance Survey data and a photographic record of the site from a field survey. The assessment was undertaken in accordance with best practice guidelines

The study area is traversed from north to south and east to west by existing road corridors, which are fringed with residential properties and linear ribbon development in Cross Hands and Gorslas. The ZVI description for the Orange Route, namely the preferred route for this planning application reads as follows:-

Orange Route - The ZVI is largely constrained by rolling topography and existing vegetation, which filter and screen the route corridor. Medium distance views would be possible from the rear of properties along Penygroes Road, with shorter distance (more pronounced) views possible from the rear of properties along Gate Road and from those around the junction with Llandeilo Road. There would also be longer distance views from properties on the B4297.

In consideration of the potential visual impact of the scheme, regard has been had to proposed mitigation proposals which incorporate a range of measures to integrate the scheme into the surrounding landscape, thereby limiting effects on landscape character and visual receptors. These include a combination of both cuttings and embankments along the route of the road, keeping to existing ground contours as far as is practical, given the undulating nature of the topography. Existing hedgerows and wooded areas are retained wherever possible, supplemented by a combination of hedgerow translocation and new planting. A comprehensive landscaping plan has been provided, while further safeguards will be secured by condition.

In summary, the preferred route is described as:-

On the whole the Orange route would have the least significant effect on visual receptors. This is because views of the route would be relatively well contained by existing vegetation along field boundaries, Llandeilo Road and Gate Road. During the Construction Period, there would be a large adverse effect on 17 properties on Llandeilo Road where the new road would tie in directly opposite the properties and there would be no existing vegetation to screen views of construction works. Otherwise there would be a slight adverse effect on 82 properties and a neutral effect on 36 properties, as views towards the construction works would be restricted by existing vegetation or built form, or the works would not be visible at all.

The route crosses footpath 31/22A/1 & 50/1/2 & 50/1/1 between Penygroes Road and Gate Road and there would be open, close range views towards construction works, resulting in a large adverse effect. This would be the same for all options as all three would cross this footpath. On completion of construction views from properties would improve as construction works would no longer be a dominant and disruptive feature in the view. In the Opening Year there would be a slight adverse effect on 53 properties and a neutral effect on 82 properties. For some properties, effects would reduce to neutral as the traffic on the road would barely be perceptible through existing vegetation.

By the Future Year, mitigation vegetation would have established to help improve views for the majority of properties, as there would be a neutral effect on 118 properties. Vegetation would help to blend the road into the landscape and screen views of traffic. However, there would remain a slight adverse effect on views from 17 properties on Llandeilo Road, as there would be open views towards a slightly wider road corridor, which would be more dominant in the view than the existing road.

## Biodiversity

There are a number of conservation designations within the study area and the surrounding 1km radius. These include six Sites of Special Scientific Interest (SSSIs) and two Special Areas of Conservation (SACs) which support a diversity of habitat types and mix of flora and fauna.

The study area largely comprises a network of semi-improved fields of marshy grassland bordered by hedgerows featuring semi-mature broadleaved trees. The majority of the fields are unmanaged and feature marshy grassland habitat, while in addition to the wooded field boundaries there are a small number of broadleaved woodland pockets and areas of scrub.

The South East part of the study area, at the site of the former Emlyn Brickworks and proposed Parc Emlyn development site, stands a significant sized area of manmade ground featuring a mosaic of dry grassland, marshy grassland, bare ground, dense and scattered scrub, and tall ruderal vegetation. Due to the generally wet nature of the study area there are numerous ditches and areas of standing water, as well as two rivers (Gwendraeth Fawr and Lash) together with their tributaries that lie within the survey area.

The study area includes habitat used by the marsh fritillary butterfly (MFB) and forms part of the metapopulation area associated with this mobile feature of the Caeau Mynydd Mawr SAC, and is therefore considered to be of importance at a European scale in terms of its value to the SAC.

The study area also offers suitable habitat for, and has records of other internationally and nationally protected species including, badger, hazel dormouse, and native reptile and amphibian species. Badger setts and commuting routes have been identified with proposed mammal culverts strategically located to mitigate for the potential severance, and reduce the risk of operational mortality.

As the application site includes, amongst other habitats, woodland, hedgerows and scrub which are ideal dormouse breeding and foraging habitat. It is not surprising that the presence of dormouse on the site has been confirmed. In recognition, a "Ghost" Dormouse Method Statement was submitted with the application, in recognition of the likely need to obtain a protected species licence. Dormouse friendly features are to be provided in certain of the proposed mammal culverts.

Bat surveys have been undertaken along the application route to establish the presence or otherwise of tree/building roosts, activity transects, as well as static surveys for the presence of bats. The results of those surveys helped inform the preparation of the "Ghost" Bat Method Statement also submitted with the application, while a further scoping survey and report has been undertaken for Nos. 99 and 101 Norton Road. The latter, although undertaken outside of the optimum period for bat activity, concludes that both buildings harbour a low potential for the presence of bats. Despite such a low probability, the risk of bats being present in either of both properties cannot be ruled out. Hence, the inclusion of



an unconventional condition requiring an emergence survey before any work commence on the overall road scheme.

The other habitats within the study area that exist outside of the SSSIs are also of importance in terms of providing breeding and foraging habitat for protected species of fauna. Many of the marshy grassland, bog, woodland and hedgerow areas are also local Biodiversity Action Plan (LBAP) habitats and as such are considered important at a county level.

The presence of peat deposits and wet modified bog are considered to be of county level importance.

The potential impacts of the road scheme on the biodiversity of the area are broadly as follows:-

- Land take resulting in habitat loss;
- Land take resulting in severance and fragmentation;
- Land take and/or changes in air and water quality resulting in habitat degradation;
- Direct mortality during construction;
- Direct mortality during operation;
- Noise, vibration and lighting resulting in disturbance.

In terms of the preferred route option, this does not directly affect either the Caeau Blaen-yr-Orfa SSSI or the Gorslas Bog pSSSI. The Caeau Blaen-yr-Orfa SSSI is within 20m of the proposed route centre line and may be affected by changes in air quality and hydrology, which are covered in greater detail under the heading "Local Air Quality" and latterly under the "Investigation of Pollution Concentration Fall-off Report" (Ricardo). Although this route option will require a number of watercourse/field ditch crossings, including the Gwendraeth Fawr, there is only a slight possibility that any of these watercourses could be used by otter and if present, the effect could be of moderate significance. Scheme and construction design, habitat enhancement and planting should reduce this impact to neutral or slight adverse, particularly with the provision of a series of culverts incorporating species friendly features.

This route would also not require the disturbance of any substantial peat deposits.

## Soil

The study area lies on the solid geology of the Carboniferous, Lower, Middle and Upper Coal measures). Reflective of the legacy of coal mining activity in the area, the underlying geology includes productive coal which are described in more detail within the engineering section of the Economic Link Road Phase 2 WeITAG Stage 2 Appraisal report.

In terms of agricultural land classification the study area lies within a 'Less Favoured Area' (LFA) and is classified as either 'a Disadvantaged Area' or a 'Severely Disadvantaged Area'.

An areas of potentially contaminated land has been identified from the WeITAG Stage 1 report, on the basis of the historic land use within the study area. Meanwhile, CCC's Contaminated Land Officer has confirmed that there are no sites in the study area which have been designated as "Contaminated Land" under the Environment Act 1990. The land in question was previously used for coal mining and quarrying, with associated spoil heaps of unknown constituents in the area.

The only limited number of potentially contaminative uses within the preferred route corridors under consideration would be as follows:

- Disused railway and tramways, especially sections where which were on embankment and where embankments remain;
- Restored opencast coal workings;
- Former coal workings (pits, levels and shafts);
- Former colliery sites;
- Colliery spoil heaps, and
- Filled quarries

## Heritage

There are no cultural heritage assets which have a statutory designation within the study areas. In addition, there are no non-statutory designations such as World Heritage Sites, Registered Landscapes or Registered Parks and Gardens recorded.

No historic landscape character areas have currently been defined within the study area by Dyfed Archaeological Trust, while there are some 22 sites of cultural heritage interest.

There would be no physical impact on any features with statutory or non-statutory designations from the proposed preferred route option. However, there would potentially be direct impacts on a number of heritage assets recorded on the Historic Environment Record and by Royal Commission on the Ancient and Historical Monuments of Wales database (RCAHMW).

In mitigation for any potential risk to an unseen heritage asset, it is recommended that a detailed desk-based assessment is undertaken of the route. This will be covered by condition as recommended by Dyfed Archaeological Trust.

## Water Environment

The land is characterised by numerous minor streams and ditches and more notably by the Gwendraeth Fawr which is sourced from springs within the study area and flows in a south-west direction eventually reaching the estuary near Kidwelly. The Afon Lash, a tributary of the Loughor, is fed by springs east of Gate Road and flows in an easterly direction towards Ammanford.

There is no designated Groundwater Protection Zone within the study area and Groundwater Vulnerability is designated as Minor Aquifer Low.

In terms of water quality criteria used previously by Natural Resources Wales (NRW) the Gwendraeth Fawr is identified in the Western Wales River Basin Management Plan (RBMP) as having 'moderate' ecological quality and that it is predicted to have 'good' ecological status by 2015.

The Afon Lash is not identified in the RBMP but the Loughor confluence with the rivers Marlais and Aman, is identified as having 'poor' ecological status and predicted to have 'poor' status by 2015.

The minor streams and ditches within the study area are not identified.

In the context of the Welsh Assembly Government's Development Advice Map (DAM), the whole of the application site is located within Zone A (considered to be at little or no risk from fluvial or tidal/coastal flooding). This designation is further qualified by the supporting Flood Consequences Assessment (FCA) submitted with the planning application.

The potential impacts of the road scheme during the construction and operational phases are, at worst slight to moderate and can reasonably be safeguarded and managed by the imposition of appropriate planning conditions.

In addition to the information contained in the ES, inclusive of volumes 1 & 2, appendices and non-technical summary, the following raft of supplementary and supporting documentation have also been submitted:-

- Design & Access Statement;
- Transport Assessment;
- Surface Water Strategy;
- Flood Consequences Assessment (FCA);
- "Ghost" Dormouse Method Statement;
- Habitat Regulations Assessment;
- Ground Investigation Report;
- Baseline Noise Survey;
- Welsh Transport Planning Appraisal and Guidance (WeITAG) 2 Assessment;
- Preliminary Bat Roost Assessment Report;
- "Ghost" Bat Method Statement;
- Geotechnical Interpretive Report;
- Investigation of Pollution Concentration Fall-off Report;
- Supplementary Ecological Information;
- Environmental Scoping Report.

In respect of the Transport Assessment (TA) submitted in support of the application, detailed consideration is had to the prevailing 'Baseline conditions,' including surrounding land uses and the existing highway network. Assessment of the local road network included traffic flows and speeds, the analysis of which observes that vehicle speeds were below the associated statutory speed limits.

Consideration is also made of road safety, including a review of Personal Injury Accidents over a 5 year period (up to June 2014), which indicates the largest proportion of accidents were around the Cross Hands Roundabout area on the A48 Trunk Road A48, with lower concentration around the Gorslas 'Six Ways' Junction.

Forecasts of traffic volumes, using the A48 SATURN (Simulation and Assignment of Traffic to Urban Road Network) model, is used based upon a design periods of 15 years. Comparison of the 'Do Nothing' and 'Do Something' options, including an allowance for committed and known developments within the Design Period were used to extrapolate likely future traffic figures and patterns.

The conclusion of the TA are, that with the ELR in place there would be a reduction in traffic flows along the A476 through Gorslas leading to the A48 Cross Hands Roundabout, which theoretically should lead to a reduction in accidents at these locations.

The TA also considered Sustainable Transport Modes, including Public Transport, Walking and Cycling as well as Equestrian Provision.

The TA includes an assessment of junction capacity to determine the impact of Phase 2 of the ELR on the surrounding road network; and to assess the suitability of the designs for the junctions proposed along the Phase 2 of the ELR (in terms of how these junctions are forecast to operate with design year traffic forecasts). Again, appropriate modelling software are used to undertake the capacity assessment.

The assessment concludes that there would be improvement to all junctions with the ELR in place, although the 'Gorslas West' junction (A476 / Cefneithin Road / Black Lion Road) remains over theoretical capacity in the "Design Year", albeit with significantly improved operational efficiency. All junctions along the ELR are considered to be within capacity.

The conclusion is that junctions proposed along the Phase 2 of the ELR have been suitably designed and would have sufficient capacity to accommodate forecast future traffic flows. Also, Phase 2 of the ELR would not trigger capacity problems at nearby junctions but would indeed improve operational conditions at some of the most congested junctions on the surrounding road network; most notably at the A476 priority junctions in Gorslas.

In terms of the scheme's drainage, the main carriageway and its associated side road junctions would be positively drained by road gullies and a carrier/filter drainage system incorporating petrol interceptors. In turn, these would outfall into an attenuation pond (2 no.) which would then discharge flows at greenfield run-off rates into nearby watercourses, subject to the agreement of NRW. The Council's own Drainage Engineers have confirmed that such a scheme would satisfy our policy requirements for sustainable drainage (SuDs).

## **PLANNING POLICY**

The statutory starting point for the consideration of all planning applications, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, would be of the relevant Development Plan for the area, unless any material considerations indicate otherwise.

### **Local Planning Policy Context**

The route of Phase 2 of the ELR is neither illustrated nor annotated on any of the proposals maps which accompany the adopted Carmarthenshire Local Development Plan (LDP). Notwithstanding, the written statement makes specific reference to the ELR with certain policies making express reference to the clear policy support for the delivery of what is a priority project for the county council.

In this respect, the following strategic and specific LDP policies are referred to as relevant to the consideration of this application: -

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP2 of the LDP supports proposals which respond to, are resilient to, and adapt to minimise for the causes and impacts of climate change. Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN15.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework. In this respect the dual settlements of Ammanford/Cross Hands are identified as a Growth Area.

Policy SP9 of the LDP promotes the provision of an efficient, effective, safe and sustainable integrated transport system. One of the key means by which this can be achieved is by promoting the efficient use of the transport network. In line with the objectives and priorities of the Regional Transport Plan for South West Wales, the policy states:

"The following improvements to the highway infrastructure will be safeguarded and the routes identified on the proposals map:

- 1) Cross Hands Economic Link Road
- 2) Carmarthen West Link Road"

Policy SP13 of the LDP states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

Policy SP14 of the LDP states that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy TR2 of the LDP states that developments which have the potential for significant trip generation, should be located in a manner consistent with the plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EQ7 of the LDP specifically refers to the Caeau Mynydd Mawr SAC and the adopted Supplementary Planning Guidance which applies to all developments with the potential to have a likely significant effect in relation to the Conservation Objectives of the SAC. The SPG provides guidance on requirements in terms of mitigation (including the submission of mitigation strategies) and, where appropriate, contributions through planning obligations or other appropriate means.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Policy EP2 of the LDP states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy EP3 of the LDP requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

#### National Planning Policy Context

Planning Policy Wales (PPW) (Edition 8) sets out the land use planning policies of the Welsh Government, and is itself supplemented by 20 Technical Advice Notes (TANs).

The core philosophy which underlies Planning Policy Wales is to promote the principle of sustainable development as being central to all planning decisions in Wales. Paragraph 4.1.1 of PPW states that:-

“The goal of sustainable development is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”

PPW in Paragraph 4.1.4 defines sustainable development in Wales:-

“In Wales, this means enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own generations in ways which:-

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits – using only our fair share of the earth’s resources and sustaining our cultural legacy.

Sustainable development is the process by which we reach the goal of sustainability.”

The document outlines a number of relevant sustainable development principles, chief amongst which is the promotion of resource efficient settlement patterns and minimising land-take. There is also recognition that the location of development should aim to reduce demand for travel, especially journeys by private car.

Paragraph 4.9.1 states that:-

“Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.”

Paragraph 7.6.1 advises on development management and requires local authorities to adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits. Key factors include:-

- “The numbers and types of jobs expected to be created or retained on the site;
- Whether and how far the development will help redress economic disadvantage or support regeneration priorities;
- A consideration of the contribution to wider spatial strategies, for example the growth or regeneration of certain areas.”

Planning Policy Wales is supplemented by various Technical Advice Notes (TAN's) which provide more in depth guidance on specific issues. In this instance guidance contained in the following TAN's are applicable:-

TAN 5 Nature Conservation and Planning (2009) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN 11 Noise (1997) provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development.

TAN18 Transport (2007) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

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

## Regional Planning Policy

On a regional level the Wales Spatial Plan (WSP) 'People, Places, Futures' serves to translate the Welsh Government's policies into visions of how each part of Wales will develop economically, socially and environmentally over the twenty year lifetime of the plan.

The WSP represents a national statement of policy and forms one of a number of strategic policy documents produced by the Welsh Government. The role of the WSP is to:-

Making sure that decisions are taken with regard to their impact beyond the immediate sectoral or administrative boundaries and that the core values of sustainable development govern everything we do.

Cross Hands is identified as a Primary Key Settlement within the wider network of interdependent settlements that make up the Swansea Bay – Waterfront and Western Valleys plan area. These settlements are seen as local centres for the provision of essential services and employment which the WSP seeks to build upon as part of the areas' regeneration. Cross Hands is seen as a prime example of such a settlement possessing all the necessary attributes for sustained growth, being convenient and well connected to the primary road network with the opportunities for enhanced linkages across the Plan Area and region. It is this strategic location at the intersection of the A48 and A476 that the plan seeks to promote and strengthen including, where necessary, measure to alleviate congestion and tackle bottlenecks within the highway network. This not only serves to optimise the effectiveness and efficiency of the highway network, but would benefit the environment through reduced journey times and lower vehicle emission, together with enhanced highway safety and reduced risk to pedestrians and cyclists.

The WSP also acknowledges the importance of the natural environment, with the coal measure grasslands of the Caeau Mynydd Mawr referred to by name. The plan requires a fine balance to be struck between the potential social and economic gains which new development can bring to the region, and the protection and enhancement of an areas' biodiversity to the ecological benefit of the area.

With regards to protecting the integrity of European designated sites Regulation 61 of the Conservation of Habitats and Species Regulations 2010 reads as follows:-

### Assessment of implications for European sites and European offshore marine sites

61 –

- (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
  - (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.
- (2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the



purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

- (3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.
- (4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.
- (5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).
- (6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.
- (7) This regulation does not apply in relation to a site which is—
  - (a) a European site by reason of regulation 8(1)(c), or
  - (b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).
- (8) Where a plan or project requires an appropriate assessment both under this regulation and under the 2007 Regulations, the assessment required by this regulation need not identify those effects of the plan or project that are specifically attributable to that part of it that is to be carried out in Great Britain, provided that an assessment made for the purpose of this regulation and the 2007 Regulations assesses the effects of the plan or project as a whole.

Planning Policy Wales Technical Advice Note 5 'Nature Conservation and Planning' also reiterates this advice and seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system. In the case of this proposed development, where there is no direct on-site impact on a European designated site, but there is the potential to impact indirectly upon the MFB, a mobile feature of the Caeau Mynydd Mawr SAC. LDP policy EQ7 and the associated SPG serve as an appropriate and effective mechanism by which the associate conservation objectives are met.

### **THIRD PARTY REPRESENTATIONS**

The application has attracted six third party letters of representation following both statutory publicity exercises. The concerns and objections raised cover the following issues.

One concern raised surrounds the direct accesses presently enjoyed by properties fronting directly onto the A476 Llandeilo Road, which appear to be shown to be detached and disconnected in and around the proposed re-aligned and re-prioritised junction of the A476 with the ELR. An assurance has been given by the applicant engineers that all existing access (both pedestrian and vehicular) will be protected and maintained. The accesses afforded to each of the properties affected along the A476 Llandeilo Road have been reviewed, inclusive of hard standings / paved areas spanning the verge to each of the properties. In front of certain of the properties affected enhanced provision is to be made by the creation of a cul-de-sac, inclusive of parking spaces and turning head, which will be retained and maintained as part of the highway.

A similar concern has been raised by a resident of Black Lion Road, quoting increased levels of traffic following the opening of Phase 1 of the ELR. Again, the applicant engineers have given an assurance that appropriate accommodation works to safeguard existing accesses will be implemented. Furthermore, with the proposed severing of Black Lion Road and provision of a staggered junction at this point that will provide priority to ELR traffic, this will serve as a traffic calming measure along what is a predominantly residential road. The reassignment of traffic onto the ELR will also ease traffic and reduce congestion on the local network.

An initial concern raised with the proposed demolition of no. 101 Norton Road was uncertainty over the effect on the attached property no. 99 Norton Road. This has largely been overcome with the recent purchase of that party as of the scheme acquisitions. Fortunately, both properties were included within scheme envelope and application site, with the requisite notice(s) already served on all those third parties with properties directly affected. The intention now is to demolish both properties as part of the scheme. It is worth noting that Black Lion Forge has already been demolished, with work undertaken under prior notification to the Town and Country Planning (General Permitted Development) Order 1995.

The potential impact of the scheme upon the amenity of those nearest affected properties has been considered as part of the options appraisal. The chosen route follows the course of least impact, albeit given the linear form of development along those existing roads affected, there would inevitably be some impacts which it is hoped would be ameliorated by the reassignment of traffic.

The absence of a defined route for this phase of the ELR on any of the proposals maps to LDP has been raised in objection to the application, implying that the application is not strictly in accordance with adopted Local Plan. As stated above, the Cross Hands ELR is expressly referred to under LDP policy SP9 Transportation as a RTP priority scheme. As a logical extension to Phase 1 of the link road that has been delivered to facilitate the development of the Cross Hands East Strategic Employment Site. The precise route of Phase 2 of the link road from Black Lion Road to Llandeilo Road was not identified on the proposals map (reflective of the emerging nature of the finalised route) and the ongoing WeITAG route options assessment at the time. From an LDP perspective, the endorsement of the principle of the ELR is clear through its inclusion within the Plan, which is provided added weight

through policy SP9. The said policy makes clear reference to the ELR within the context of safeguarding its route.

The further claim that the application route does not represent the most appropriate option, and neither does it match exactly those presented as part of the public consultation exercise is disputed. The route options appraisal (stages 1 & 2) were undertaken using the Welsh Transport Planning Appraisal and Guidance (WelTAG), which is a Welsh Government recognised tool for assessing options for transport projects. The “Orange” route emerged as the preferred option following both the Public Information Exhibition (November 2012), Public Consultation Exhibition (May 2013) with the Preferred Route announcement (circ. June 2014).

In addition to these impacts, the Proposed Scheme may also have beneficial effects for non-motorised travellers as the new road will divert a certain amount of traffic away from the A48 Cross Hands junction and the A476 Llandeilo Road, in particular the A476 Gorslas ‘six-ways’ junction. This will, therefore, make Llandeilo road easier to cross and may help reduce community severance, while traffic levels along the existing local highway network should reduce. This should benefit, walkers, cyclists and equestrian users, albeit in the case of the latter no specific equestrian provision is made as no bridleways are affected by the scheme.

The various potential effects on non-motorised uses are potentially significant depending upon the degree of change in journey time or amenity and the ability of the people using those routes to adapt to the changes.

The visual impact of the proposed route has been shown to be the least of the various options covered under WelTAG Stages 1 & 2. The level change and engineering required demonstrates how the route would best sit within the landscape, while the topography is such that any visual impact would be most evident from distance vantages. The retention of mature landscape features, hedgerow translocation, and robust landscaping will serve to mitigate any such impacts as far as is reasonably practical. The Council’s landscape architect is content with the landscape strategy shown.

The initial application submission, inclusive of the ES, provides a substantial body of ecological survey work, further reinforced by the supplementary environmental information provided. This has enabled an informed assessment of the potential ecological effects to be made, having regard to the various mitigation and environmental enhancements proposed.

In addition to the third party representations received, the RSPB have objected to the application citing the grounds of a deficient EIA. The basis for this claim is the alleged use of part of the former Emlyn Brickworks site, through which a proposed new section of road serving the Eastern end of Norton Road is to be provided, is used by Lapwing as a nesting and breeding area for which there have been no bird surveys or appropriate mitigation proposed. In response, the applicant has qualified that Lapwings are not a named European protected species, albeit they are afforded some protection under the provisions for wild bird habitats. They are however covered by the provisions of the Environment (Wales) Act 2016. The applicant is aware of the requirements of the Wildlife and Countryside Act 1981 in respect of breeding birds. The former Emlyn Brickworks with its associated spoil heaps does represent a favourable habitat for such ground nesting species as Lapwings, but given the safeguards of having an Environmental Clerk of Works present on site, coupled with the requirements for an Ecological Construction Management Plan to be prepared for the scheme. In the event of nesting Lapwings being found to use the site, then work would

cease until the end of the bird breeding season. Such provisions and legal protection afforded to breeding wild birds should safeguard such wildlife interests. On the further point of habitat loss, the relatively small area concerned, and the limited potential for fragmentation should not have an adverse effect on any such breeding colonies, should they exist.

## **CONCLUSIONS**

The comprehensive application submission, inclusive of a previously scoped EIA, has allowed officers and other interested stakeholders to understand and assess the various potential impacts of the scheme. From a practical perspective, the various route options appraised under WelTAG provides a nationally recognised form of route assessment and selection, buttressed by the EIA and various supplementary documents.

Although not specifically allocated on the LDP proposals map for Ammanford/Cross Hands, express reference is made in policy to the ELR and the policy weight behind delivering such an improvement on social, economic and environmental grounds. This is reflective of other aligned policy documents promoting the scheme on a regional (WSP) and national (RTP) level.

In recognition of the quantifiable impact of the proposal in relation to the Caeau Mynydd Mawr SAC, mitigation in the form of habitat translocation and the better management of surplus land acquired as part of the scheme, together with a financial contribution based upon the SPG formula, will serve to ensure compliance with both policy and European legislative requirements. These will collaboratively serve to ensure not only compliance with the conservation objectives of the SAC, which are themselves aligned with those of the SPG, but also compliance under the Habitat Regulations Assessment which will have to be confirmed by Natural Resources Wales (NRW).

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 ('WBFG Act') has been considered in the determination of this application. In reaching this recommendation, account has been made to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

It is therefore recommended, subject to NRW's endorsement of the Council's Appropriate Assessment of the project, under the Habitat Regulations Assessment requirements, that planning permission be granted for this proposal.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The approved development relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any conditions above:-

- 080/0060/061 – PA01 (Rev. A), Location Plan – 1:2500 scale;
- 080/0060/061 – PA02 (Rev. A), General Arrangement & Typical Sections – 1:2500 & 1:200 scale;
- 080/0060/061 – PA003, Junction 1 General Layout – 1:500 scale;
- 080/0060/061 – PA004, Junction 2 General Layout – 1:500 scale;
- 080/0060/061 – PA005, Junction 3 & 4 General Layout – 1:500 scale;
- 080/0060/061 – PA006 (Rev. A), Surface Water Strategy – 1:2500 scale;
- PA007 (Rev. A), Carriageway Alignment (1 of 6) – 1:500 & Section 1:500/1:100 scale;
- PA008 (Rev. A), Carriageway Alignment (2 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 – PA009, Carriageway Alignment (3 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 – PA010, Carriageway Alignment (4 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 – PA011, Carriageway Alignment (5 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 - PA012 (Rev. A), Carriageway Alignment (6 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 – PA014, Attenuation Pond “A,” Plan and Sections;
- 080/0060/061 – PA015, Attenuation Pond “B,” Plan and Sections;
- 080/0060/061 – PA016, Proposed Gwendraeth Fawr Underpass - 1:5000, 1:200, 1:100 & 1:50 scale;
- 080/0060/061 – PA017 Rev. A Proposed Cattle Underpass;
- 080/0060/061 – PA018, Proposed Piped Culverts – 1:5000, 1:200 & 1:50 scale;
- DBS01 – Survey of Devil’s Bit Scabious – 1:2500 & 1:1000 scale.

- 3 No development shall be commenced until precise details of the proposed surface water attenuation ponds, together with details of their respective catchment areas; capacity, and discharge rates to a recognised watercourse have been submitted to and approved in writing by the Local Planning Authority. Such an approved scheme shall then be implemented prior to the construction of any impermeable surfaces draining into the system.
- 4 No development approved by this permission shall be commenced until an Ecological Management Plan detailing all necessary ecological retentions, enhancements, creations and management measures for the development is submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved.
- 5 No development hereby granted shall commence until an ecological clerk of works has been appointed in consultation with the relevant planning authority. The ecological clerk of works shall be a suitably qualified environmental professional and shall be retained throughout the duration of civil construction works on site to advise on minimizing ecological effects of the construction activities.
- 6 No development approved by this permission shall be commenced until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. All construction work thereafter shall be undertaken in accordance with provisions of the approved plan.

- 7 No development approved by this permission shall be commenced until a Waste Management Plan for the control, management, storage and disposal of demolition waste/excavated material has been submitted to and approved in writing by the Local Planning Authority.
- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- (i) A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site.
  - (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 9 Prior to occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) 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.
- 12 No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.
- 13 No development or site clearance shall take place until a method statement for the translocation of the existing hedge/ hedgerow[s] has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include an implementation programme and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 14 The detailed landscape design scheme proposals shall be presented through a clearly legible and accurate drawing on an appropriate base plan. The proposal plan should be supplemented by additional information; specifications and schedules, as necessary to provide sufficient detail of the landscape proposals, to enable full assessment to facilitate approval of the scheme; compliance monitoring and enforcement. Additional information should be clearly referenced to the proposal plan.
- 15 Prior to the commencement of any works associated with the development [including site vegetation clearance, demolition of existing structures, excavation, heavy machinery entering site or the on-site storage of materials] a Tree Protection Plan [TPP] shall be undertaken in compliance with the recommendations of BS5837 and submitted and agreed in writing by the Local Planning Authority. The TPP shall provide details of protective measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention. The approved TPP shall be fully implemented and inspected on site by a representative of the Local Planning Authority, and approved in writing, prior to the commencement of any works associated with the development, and thereafter, shall be maintained in its entirety throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.
- 16 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 17 Prior to the commencement of any work on site the applicant/developer shall commission the undertaking of a bat survey of the site, the findings of which shall be forwarded to the Local Planning Authority for written approval. Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been

granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3 To prevent surface water flooding.
- 4+5 In the interests of environmental protection.
- 6-12 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 13-15 To ensure an appropriate level of environmental protection.
- 16 To protect historic environment interests whilst enabling development.
- 17 To ensure that existing trees and landscape elements of suitable quality and condition are retained and effectively accommodated and protected as part of approved development.

## **NOTES**

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

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



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

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

- 2 Any works undertaken or forming part of the highway shall meet with the requirement of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.
- 3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>E/34580</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	DEMOLITION OF EXISTING SCHOOL TO BE REPLACED WITH A RESIDENTIAL DEVELOPMENT OF 7 NO. 2 STOREY DWELLINGS TOGETHER WITH AN ON SITE BAT ROOST STRUCTURE AT FORMER NANTYGROES CP SCHOOL, LLANDYBIE, AMMANFORD, SA18 3NZ

<b>Applicant(s)</b>	CARMARTHENSHIRE COUNTY COUNCIL - JONATHAN FEARNE, CORPORATE PROPERTY, BUILDING 8, ST. DAVIDS PARK, JOBSWELL ROAD, CARMARTHEN, CARMARTHENSHIRE, SA31 3HB
<b>Agent</b>	LEWIS PARTNERSHIP LIMITED - PHILIP LEWIS, 13 PARK CRESCENT, LLANELLI, CARMARTHENSHIRE, SA15 3AE
<b>Case Officer</b>	Ceri Davies
<b>Ward</b>	Llanfihangel Aberbythych
<b>Date of validation</b>	24/10/2016

## CONSULTATIONS

**Head of Transport** – Has recommended approval subject to the imposition of suitable conditions.

**Llanfihangel Aberbythych Community Council** – Has only commented on the need to retain the bus shelter at the site frontage.

**Local Member** – County Councillor Cefin Campbell has asked the Authority to consider carefully the concerns raised by third parties.

**Natural Resources Wales** – Has not commented on this application to date

**Dwr Cymru/Welsh Water** – Has no adverse comments.

**Dyfed Archaeological Trust** – Has advised that an appropriate photographic survey of the existing building be carried out prior to commencement of works.

**Neighbours/Public** – The application was advertised by means of site notice; eight letters of objection have been received to date raising the following concerns:-

- Traffic generation
- Highway safety/lack of visibility
- Loss of privacy/Overlooking
- Over development
- Height of dwellings
- Surface water disposal
- Impact on protected species

## RELEVANT PLANNING HISTORY

E/28872	Re-submission of outline planning application E/27873 – Demolition of existing school to be replaced with a residential development of 5 no. 2 storey dwellings Withdrawn	21 May 2014
E/27873	Outline planning application to replace the disused school with approximately 5 no. 4 bedroom dwellings Withdrawn	9 April 2013

## APPRAISAL

**This is an application in which Carmarthenshire County Council has an interest either as applicant/agent, or in terms of land or property ownership.**

## THE SITE

The application site consists of the disused school building and surrounding land associated with the former Nantygroes primary school in Milo. The disused school lies at the north-eastern edge of the village and consists of a large school building with a number of ancillary buildings/structures; there are a number of residential dwellings immediately opposite and immediately adjacent to the application site. The site does not at present have a vehicular access directly onto the adjacent highway (C2145); access to the school is via a gated access at the north eastern boundary of the site off an unadopted rear lane.

The boundary to the north of the site is made up of mature hedgerow; the eastern boundary is a mixture of hedgerow and walling and fencing; the southern boundary which abuts the main road consists of a sloping masonry wall with hedging on top, the remaining western boundary consists of stone walling. The site is relatively flat and measures approximately 0.449Ha in area.

## THE PROPOSAL

This application seeks outline planning permission for seven detached dwellings and involves the demolition of the existing redundant school building; all detailed matters are reserved for future consideration, nevertheless, indicative plans have been submitted showing access, siting and layout. The layout shows four dwellings fronting onto the main highway and three dwellings to the rear with a new central access to serve all seven dwellings.

The application was accompanied by a drainage statement, tree survey report, and bat survey of the existing buildings on the site as well as a Design and Access Statement.

## **PLANNING POLICY**

In terms of the application's policy context, reference is made to the following Carmarthenshire Unitary Development Plan (LDP) policies and plans:-

The application site is located within the defined development limits for Milo as delineated by Inset Map SC39 of the LDP, which is not allocated nor designated for any particular use.

Policy SP1 (Sustainable Places & Spaces) states that proposals will be supported where they reflect sustainable development and design principles by supporting identified settlements, promoting the efficient use of land including previously developed sites, integrate with the local community taking account of character and amenity, reflecting and enhancing local character, creating safe, attractive and accessible environments, utilising sustainable construction methods and integrate conservation into the development.

Policy GP1 of the Local Development Plan provides development proposals which should be compatible with their surroundings in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. In particular proposals must not adversely affect local amenity in terms of visual impact, loss of height or privacy, disturbance and traffic involvement.

Policy GP4 provides support to development where the infrastructure is adequate to meet the needs of the development.

Policy H2 provides that there is policy support for the development of unallocated sites within the defined development limits of settlements, provided the development is in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 provides that a contribution to affordable housing will be required on all housing allocations and windfall sites. The level of contribution is dependent upon the viability areas within which the application site falls.

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

## **THIRD PARTY REPRESENTATIONS**

Turning to the representations received to date; the main areas of concern are as follows:-

- Traffic generation
- Highway safety/lack of visibility
- Loss of privacy/Overlooking
- Over development
- Height of dwellings
- Surface water disposal
- Impact on protected species

Other concerns raised, included lack of public consultation, however, in terms of complaints over consultation, Members are advised that the application was publicised in accordance with Part 8(5)(a) of the Town & Country Planning (General Development Procedure) ) Order 1995 which requires that an application shall be publicised by giving requisite notice *“by site display in at least one place on or near the land to which the application relates for not less than 21 days”* .

## **CONCLUSION**

Members are advised from the outset, that the two previous applications submitted for this site were both subsequently withdrawn on the advice of the Authority, primarily on the basis that there were matters that remained outstanding which related to ecology and highway safety; both those matters have now been addressed as part of this application.

Whilst this application seeks outline planning permission only for residential development at this juncture, as already mentioned, indicative drawings have been submitted as part of the application showing how the site could potentially accommodate seven dwellings with associated access, parking and turning areas. The said plans, though indicative does allow the authority to gauge the potential impact of the development at this location.

With regard to the indicative plans as submitted, it is considered that overlooking/loss of privacy for the properties opposite is not deemed a sustainable objection owing to the separation distances between the dwellings as depicted on the indicative plans and the houses which lie on the other side of the classified road. In addition the orientation of the proposed dwellings as shown to the rear of the site will not lead to direct overlooking for dwellings immediately adjacent to the former school site, namely Ambyth and Marley Lodge.

The most contentious issue has been the concerns raised by local residents in relation to fears over highway safety. It is acknowledged that the C2145 is the main road through the village; there are speed restrictions in place for the village and the site fronts onto the road however there is no direct access from the former school site onto the classified road at present. As part of this proposal a new access will be formed at a central point of the site frontage which will provide a direct access onto the C2145. The access point and associated visibility splays have been subject to scrutiny by the Head of Transport who expressed initial concerns at the lack of achievable visibility at the time of the previous submission (E/28872). The Head of Transport has now provided confirmation that the initial concerns have been adequately addressed subject to the imposition of suitable conditions and is now supportive of the proposal including the new access, road layout and associated visibility splays. The authority is satisfied therefore that the proposal makes adequate provision for vehicular parking within the curtilage of the application site in accordance with the Authority’s adopted guidelines; hence on–street parking will not be an issue in this instance. It is accepted that the development by its very nature will lead to an increase in car users at this location however on balance it is considered that the adjacent highway can accommodate the additional traffic growth. The initial concerns over lack of visibility splays have been addressed, hence it is considered the highway objection from third parties cannot be sustained in this instance.

With regard to concerns raised in relation to foul and surface water disposal, neither Welsh Water/Dwr Cymru (DCWW) or Natural Resources Wales (NRW) have objected to this planning application; the Authority is satisfied therefore that there is adequate capacity within the existing public sewer to accommodate the increase usage associated with this development. Furthermore, DCWW and NRW have not provided any adverse comments in

terms of infrastructure capacity to accommodate the additional surface water flows that will be derived from the site. The surface water drainage from the estate road and 7 dwellings will be collected via 100/150mm pipework adopted under 104 agreement with DCWW and connected into existing site outlet into existing highway surface water drainage system. The Council's Flood Defence Engineer has advised that the proposed drainage scheme will require a S38 agreement.

In terms of the concerns over ecology, the application was accompanied by a bat survey undertaken by Soltys Brewster Ecology and a Phase 1 Habitat survey undertaken by Pryce Ecologists; the said surveys concluding that there is evidence of bats using the school building. For that purpose, Natural Resources Wales (NRW) has been consulted to ensure the development will not be a detriment to the maintenance of the favourable conservation status of the bat species present, providing that the mitigation measures are adequately implemented in accordance with the approved method statement. At the time of writing the Authority is still awaiting formal confirmation from NRW that the mitigation measures proposed are acceptable. Conditions will be imposed as a matter of course to ensure the appropriate licence is obtained prior to the start of any demolition works and the mitigation measures as outlined are implemented.

It is considered that the development will not have an adverse impact on the character of the village as suggested by objectors and that the proposal makes good use of vacant and to an extent under-utilised land within the village. Reference has been made to the fact that Milo by its very nature is characterised by ribbon development and objectors deem a housing estate development is therefore out of character with the remainder of the village. It is acknowledged that there are no current estates within the village; and the village is indeed characterised by linear development, however the site represents an infill piece of land within the heart of the village, hence does not represent an intrusion into the open countryside as has also been suggested by some objectors. Furthermore, the depth of the site allows for dwellings to be built to the rear as well as along the site frontage; the said frontage will serve to reinforce the street-scene at this part of the village. As such, the creation of an 'estate' type development sits comfortably within the village context.

From a siting and scale perspective, the proposal is deemed in-keeping with the surrounding residential area and the overall proposal represents a sustainable form of development which can be easily incorporated as part of the village. Concerns have been raised over the two storey nature of the houses; whilst the plans are indicative only at this juncture, no details have been submitted in relation to the design, appearance and scale of the dwellings, nevertheless, Members are reminded that the proposal makes specific reference to the two storey element of the proposed dwellings in the proposal description. It is acknowledged that the majority of dwellings to the east and west along the northern side of the C2145 Road are single storey bungalows, however the majority of the properties along the southern side of the C2145 are a mixture of two storey dwellings and two storey dormer dwellings; the existing school is also of a height more akin to two storey. It is considered therefore that two storey dwellings will not represent an inappropriate form of development at this location, this is reinforced by the cross-section drawings submitted as part of the application which show the existing school to be approximately 10 metres in height and proposed two storey dwellings to be 9 metres in height, therefore no higher than the existing school building.

On balance, it is considered that the proposal for seven dwellings within the redundant site accords with the general development control policies of the LDP; the site is deemed to be of sufficient dimensions to adequately accommodate seven modestly sized dwellings, shown on the submitted drawings, whilst providing sufficient private amenity space. The proposal does not represent a form of over-development and is of sufficient size to provide access/parking and turning area within the site curtilage, as such accords with the relevant policies of the LDP.

In conclusion, it is considered, the development is compatible with adjacent land uses and the character or amenity of the area will not be adversely affected. The overall development is of a density and plot ratio which sustains the local environment. In the absence, therefore, of any sustainable transport, amenity, local planning or public service provision objections, the application is recommended for approval.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 The permission now granted relates to the land defined by the 1:500 Scale and Site Plan and 1:2500 Scale Location Plan received on 13<sup>th</sup> May 2016.
- 4 Development shall not commence until detailed plans of the siting, design, external appearance and landscaping of the development, together with the means of access thereto, have been submitted, and received the written approval of the Local Planning Authority.
- 5 The development hereby permitted shall be constructed of materials, which reflect the architectural style and appearance of traditional local buildings with suitable proportioned openings in keeping with the traditional character and proportions of such buildings
- 6 The external walls of the proposed dwellings shall be constructed of materials which reflect the character and style of local buildings and the roof shall be covered in natural or fibre cement slates or flat profiled tiles coloured dark grey.

- 7 No development shall take place until details and plans showing the finished floor / roof levels of the dwellings hereby approved, together with cross sections through the site have been submitted to and approved in writing by the Local Planning Authority, such details to form part of any Reserved Matters application for the site. Development shall be carried out in accordance with those details approved, unless otherwise agreed in writing with the Local Planning Authority.
- 8 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway. 1.8 metre footway, and 6.0 metre kerbed radii at the junction with C2145 road.
- 9 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 10 There shall at no time be any means of vehicular access to the development from the private road to the rear.
- 11 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 43.0 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the estate road in relation to the nearer edge of carriageway. In particular no growth or obstruction over 0.9m within this splay area.
- 12 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 13 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 14 Prior to beneficial occupation of any part of the development herewith approved, a 1.8m wide footway shall be provided along the entire site frontage with the C2145 Road. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.
- 15 Before any development hereby approved is commenced, details shall be submitted for all means of enclosure and boundary treatments along the rear and side boundaries of the application site, to the written approval of the Local Planning Authority.
- 16 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.



- 17 Development shall not begin until an appropriate photographic survey of the existing building(s) has been carried out in accordance with guidelines provided by the Local Planning Authority's archaeological advisors – The Dyfed Archaeological Trust-Heritage Management. The resulting photographs should be approved by the planning authority prior to the commencement of development and deposited with the regional Historic Environment Record, held and maintained by the Dyfed Archaeological Trust.
- 18 The work shall be carried out in accordance with the NRW approved bat surveys, conditions and mitigation measures.
- 19 Where any species listed under Schedules 2 or 4 of Conservation of Habitats and Species Regulations 2010 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
- 20 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Technical Advice Note No.2 or any future guidance that replaces it. The scheme shall include:
  - the numbers, type, tenure and location on the site of the affordable housing provision to be made;
  - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - the arrangements for the transfer of the affordable housing to an affordable housing provider;
  - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline form only.
- 3 For the avoidance of doubt as to the extent of the site.
- 4-7 In the interest of visual amenity. (Policy GP1 & H2 of the LDP)
- 8-14 In the interest of highway safety. (Policy TR3 of the LDP)
- 15 In the interest of residential amenity (Policy GP1 of the LDP)

- 16 To reduce the risk of increased flooding and achieve a satisfactory form of drainage.
- 17 To protect historic environment interests whilst enabling development.
- 18-19 In the interests of protecting wildlife and to ensure that the development does not adversely affect a European Protected Species. (Policy EQ5 of the LDP)
- 20 To ensure the adequate provision of affordable housing (Policy AH1 of the LDP)

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- It is considered that the proposed development complies with Policy H2, AH1 and GP1 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the siting of dwellings at this location will not detrimental to the character and appearance of the area and it is not considered there are any significant impacts in relation to amenity. Sufficient amenity space is provided for the proposed dwellings and appropriate parking and access can be provided.

## **NOTES**

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

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

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

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

- 2 The developer is strongly advised to contact Western Power Distribution prior to any development, in order to ascertain their requirements for the protection of any existing services and to obtain details of them. This could avoid a serious accident and the developer paying costs of repairs.

- 3 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 4 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 5 It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.

- 7 If the site is sold by the Council to a third party, any prospective purchaser(s) of the land referred to in the Planning Permission E/34580 will be required in the Contract of Sale to enter into a S106 Agreement with Carmarthenshire County Council for the provision of Affordable Units on site, and/or contributions towards affordable housing provision.

<b>Application No</b>	<b>E/35287</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	REMOVE PART OF FRONT LAWN TO CREATE CAR PARKING/TURNING AREA AT 41 PARKLANDS ROAD, AMMANFORD, SA18 3TD

<b>Applicant(s)</b>	MR & MRS G NOAKES, 41 PARKLANDS ROAD, AMMANFORD, SA18 3TD
<b>Case Officer</b>	Julian D Edwards
<b>Ward</b>	Saron
<b>Date of validation</b>	17/03/2017

## CONSULTATIONS

**Llandybie Community Council** – No observations received to date.

**Local Member** – County Councillor A Davies has not commented to date, County Councillor A P Cooper is a Member of the Planning Committee therefore has made no prior comment.

**Neighbours/Public** – Two neighbour consultation letters have been sent out to advertise the application, no letter of objection or concern have been received.

## RELEVANT PLANNING HISTORY

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

E/07644	Kitchen/utility room extension at rear elevation Full planning permission	3 September 2004
E/01411	Provision of a dormer window to the front elevation of the roof Full planning permission	25 February 1999
P6/15644/89	Dwelling (rear of 41 Parklands Road, Penyban Ammanford). Outline planning permission granted on appeal	25 April 1989

## **APPRAISAL**

**The application is made by employees of the Local Planning Authority.**

## **THE SITE**

The application site is the existing dwelling addressed as 41 Penybanc Road, Penybanc, Ammanford. The dwelling is an existing detached dormer dwelling with an existing driveway to the west of the dwelling leading to a garage. The dwelling also currently enjoys a lawned area to the front and a large lawned area to the rear.

## **THE PROPOSAL**

Planning permission is sought to construct a vehicular parking/turning area on part of the existing front lawn area. The proposed turning area will be accessed off the existing driveway and allow an additional parking space or turning facility within the curtilage of the dwelling. Under the old pre September 2013 permitted development rules, such a development would not have required planning permission. However, following the adoption of these rules, any impermeable hardstanding over 5 sq. m now requires planning permission. In this instance, the hardstanding measures 10 sq. metres.

## **PLANNING POLICY**

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014, with regard to which Policy GP6 applies in this instance.

Policy GP6 in this instance permits the extension of residential dwellings, whether it be buildings or other structures, in this instance the extended driveway provided the scale is subordinate and compatible to the size, type and character of the existing dwelling and would not result in overdevelopment of the site or lead to inadequate garden space; the external appearance of the proposal is acceptable; the amenities of neighbouring developments are not adversely affected by the development and that the use of the development is compatible with the existing dwelling.

## **THIRD PARTY REPRESENTATIONS**

No third party representations have been received as a result of the consultation process.

## **CONCLUSION**

The application has to be determined based upon the plans submitted and take into account the relevant planning policies and any other material considerations. It is clear the provision of the proposed extended driveway is an extremely modest form of development that only needs planning permission due to the recent change in permitted development rules and has to be dealt with by the Planning Committee due to the fact the applicant is employed by the Local Planning Authority.

The development itself is a very modest hardstanding proposal that complies with policy GP6 and would not harm the existing dwelling nor the amenities of the existing occupiers of the neighbouring developments.

On balance therefore, it is considered that this proposal is an acceptable form of development and is recommended for approval.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans received on 16 March 2017:
  - 1:1250 scale Location Plan;
  - 1:500 scale Block Plan;
  - 1:250 scale Proposed Parking/Turning Area.

### **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenities.

### **NOTES**

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

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

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