

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

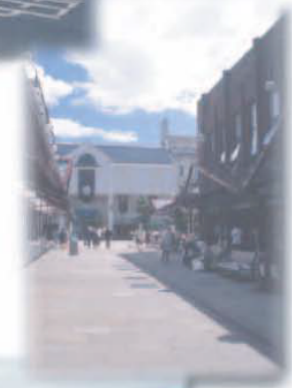
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 7 CHWEFROR 2019
ON 7 FEBRUARY 2019**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal
Dwyrain/
Area East*



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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	7 FEBRUARY 2019
REPORT OF:	HEAD OF PLANNING

INDEX - AREA EAST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	Page no.
E/37648	The construction of a proposed gated access to the site known as Penygroes Concrete Works along with associated drainage, accessed from the economic link road (under construction) and also the construction of a new agricultural access off the economic link road at Penygroes Concrete, Norton Road, Penygroes, Llanelli, SA14 7RU	9

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	E/37648
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Application Type	Full Planning
Proposal & Location	THE CONSTRUCTION OF A PROPOSED GATED ACCESS TO THE SITE KNOWN AS PENYGROES CONCRETE WORKS ALONG WITH ASSOCIATED DRAINAGE, ACCESSED FROM THE ECONOMIC LINK ROAD (UNDER CONSTRUCTION) AND ALSO THE CONSTRUCTION OF A NEW AGRICULTURAL ACCESS OFF THE ECONOMIC LINK ROAD AT PENYGROES CONCRETE, NORTON ROAD, PENYGROES, LLANELLI, SA14 7RU

Applicant(s)	HEAD OF PROPERTY - JONATHAN FEARN, ENVIRONMENT DEPARTMENT, CARMARTHENSHIRE COUNTY COUNCIL, CARMARTHEN, ,
Agent	ENGINEERING DESIGN SECTION - ADRIAN HARRIES, ENVIRONMENT DEPARTMENT, CARMARTHENSHIRE COUNTY COUNCIL, CARMARTHEN, SA31 1HQ
Case Officer	Andrew Francis
Ward	Penygroes
Date of validation	09/08/2018

CONSULTATIONS

Head of Transport – No objections to the proposal.

Dwr Cymru Welsh Water – No objections to the proposal.

Coal Authority – No objections to the proposal

Llandybie Community Council – No comments received to date.

Local Member – County Councillor D Thomas comments that the proposed access is to the rear of existing residential properties which will mean increased heavy vehicle movements. In addition there are already serious issues with dust from the concrete works and complaints to the Council and the owners have not resolved the situation. The dust blows over the existing fence. If approved, the lorries should be sprayed on entry and egress to minimise dust and the fence/screening should be raised to prevent dust and increase soundproofing. If these modifications are not to be provided, Cllr Thomas **objects to the proposal**.

Neighbours/Public – The application was advertised by means of a Site Notice. Two letters of objection have been received as a result. The points of objection are summarised as follows:

- The new link road will have a negative impact on the occupiers of the adjacent properties' quality of life. By having this new entrance within 15 metres of a dwelling will make the situation worse.
- Over many years the neighbours of the Concrete Works have sought the co-operation of the Works to mitigate its effects. However, over time the noise pollution has worsened significantly and there has been an increase in out of hours working.
- Additionally, the site owners have consistently failed to mitigate the effect of dust pollution emanating from the site. The nearby homes are permanently blanketed in a layer of concrete and cement dust, which is likely to be detrimental to health. This will be worse if the proposed access is approved as the lorries will pass closer to properties. With noise generation as well, the gardens of the nearby properties will effectively be unusable during working hours.
- If approved, there would need to be, at the very least, effective measures in place to mitigate against the worst effects of increased noise and dust pollution and these requirements are properly enforced.
- The proposed access and site footprint increase is onto a green field area with the removal of native hedges. This is not a necessity. The green field area should be preserved and the Concrete Works should continue to use their existing Norton Road entrance.

RELEVANT PLANNING HISTORY

E/36365 -	DISCHARGE OF CONDITION 3 ON E/32266 (SURFACE WATER ATTENUATION PONDS) Discharge of Planning Condition Granted	04/01/2018
E/36364 -	DISCHARGE OF CONDITION 20 ON E/32266 (SCHEME TO ERADICATE AND PREVENT THE SPREAD OF INVASIVE SPECIES) Discharge of Planning Condition Granted	04/01/2018
E/36363 -	DISCHARGE OF CONDITION 19 ON E/32266 (INTRUSIVE SITE INVESTIGATIONS) Discharge of Planning Condition Granted	04/01/2018
E/36362 -	DISCHARGE OF CONDITION 17 ON E/32266 (LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN FOR DOOR MICE) Discharge of Planning Condition Granted	04/01/2018
E/36361 -	DISCHARGE OF CONDITION 16 ON E/32266 (METHOD STATEMENT) Discharge of Planning Condition Granted	11/12/2017

E/36360 -	DISCHARGE OF CONDITION 15 ON E/32266 (SCHEME OF INVESTIGATION) Discharge of Planning Condition Granted	04/01/2018
E/36359 -	DISCHARGE OF CONDITION 14 ON E/32266 (PROGRAMME OF ARCHAEOLOGICAL WORK) Discharge of Planning Condition Granted	24/11/2017
E/36358 -	DISCHARGE OF CONDITION 13 ON E/32266 (TREE PROTECTION PLAN) Discharge of Planning Condition Granted	04/01/2018
E/36357 -	DISCHARGE OF CONDITION 9 ON E/32266 (GEOENVIRONMENTAL TESTING AND CONTAMINATION ASSESSMENT) Discharge of Planning Condition Granted	04/01/2018
E/36356 -	DISCHARGE OF CONDITION 7 AND 8 ON E/32266 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN, WASTE MANAGEMENT PLAN) Discharge of Planning Condition Granted	09/01/2018
E/36355 -	DISCHARGE OF CONDITION 6 ON E/32266 (ECOLOGICAL CLERK OF WORKS HAS BEEN APPOINTED) Discharge of Planning Condition Granted	24/11/2017
E/36354 -	DISCHARGE OF CONDITION 4, 5 AND 18 ON E/32266 (ECOLOGICAL MANAGEMENT PLAN, ENVIRONMENTAL MASTERPLAN, MONITORING SCHEME FOR PROTECTED SPECIES) Discharge of Planning Condition Granted	04/01/2018
E/32266 -	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 Full Granted Payment Received (no S106)	17/10/2017

THE SITE

The application site consists of two separate access points off the new Economic Link Road (ELR) that is currently under construction and which runs from Cross Hands in the south to Castell y Rhingyll in the north, dissecting the area near Penygroes Concrete Works off Norton Road, Penygroes.

The main proposed access point is situated 43 metres from the rear (north) of 101 Norton Road, 40 metres to the north east of the property known as Adef and some 82 metres along the route of the new ELR from its junction with Norton Road.

The second proposed access is more modest and is an agricultural field access. This is situated approximately 234 metres north of the Norton Road junction and would be off the western flank of the road.

The application also proposes a surface water drainage system. Originally, this was in the form of a swale situated on land immediately to the south of Adef. However, this has now been amended and will now drain into the surface water drainage system for the ELR, as shown on amended plans.

THE PROPOSAL

This application seeks full planning permission to create two new vehicular accesses off the Cross Hands ELR currently under construction.

The first and main new access is proposed to serve Penygroes Concrete Works, a long established business currently accessed at a point adjacent to 85 Norton Road. The proposed access has been designed by the Highways Engineers from Carmarthenshire County Council. It provides a 7.3 metre wide access and a security gate set back at 20 metres supported by 600mm by 600mm pillars off the ELR's eastern flank. Associated with the new access are engineering operations to improve the land around the access for landscaping purposes and maximum practicality for the business.

The second smaller access is to serve the agricultural land off the western flank of the ELR. It is far more modest in scale at 4.6 metres in width and provides a typical agricultural gate set back some 12.7 metres off the edge of the highway.

The surface water drainage system proposed is shown to take water from the Concrete works Site and from land to the north, with a filter system employed before discharging it into the surface water system under construction for the ELR which has been deemed as acceptable by the Authority's Land Drainage Team.

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. The application therefore falls to be considered against policies GP1 and TR3 of the LDP are considered to be applicable.

Policy GP1 states that in this instance the development should take into account site contours and changes in levels; should not have a significant impact on the amenity of adjacent land uses, properties, residents or the community; the access should not give rise to any parking or highway safety concerns; it provides for the satisfactory generation, treatment and disposal of surface and foul water and has regard for the safe, effective and efficient use of the transportation network.

Policy TR3 in this instance requires that the development has appropriate parking and servicing space in accordance with required standards, an appropriate access reflective of

the relevant class of road and speed limit and suitable drainage systems that dispose of surface water from the highway. 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 residents will be permitted, as will proposals which will not result in offsite congestion where the road network capacity is sufficient. Finally, it should provide for Sustainable Drainage Systems (SuDS) to allow for the disposal of surface water run-off from the highway.

As the site is within 2km of the Caeau Mynydd Mawr Special Area of Conservation (SAC), policy EQ7 applies. This permits development where there is a commitment to promote and contribute to the delivery of the conservation objectives of the Caeau Mynydd Mawr SAC in line with the Habitats Directive. In this instance a contribution will be sought to contribute towards increasing the quality and amount of suitable habitat for Marsh Fritillary butterfly available within the SPG area. The contribution is based upon the site area of the development and equates to £31290 per hectare. As such, the contribution sought for this application is £10263.

THIRD PARTY REPRESENTATIONS

The application was advertised by means of a Site Notice. Two letters of objection have been received as a result. The Local Member has also raised concerns. The points of objection are summarised and discussed as follows:

- The new link road will have a negative impact on the occupiers of the adjacent properties' quality of life. By having this new entrance within 15 metres of a dwelling will make the situation worse.
- Over many years the neighbours of the Concrete Works have sought the co-operation of the Works to mitigate its effects. However, over time the noise pollution has worsened significantly and there has been an increase in out of hours working.
- Additionally, the site owners have consistently failed to mitigate the effect of dust pollution emanating from the site. The nearby homes are permanently blanketed in a layer of concrete and cement dust, which is likely to be detrimental to health. This will be worse if the proposed access is approved as the lorries will pass closer to properties. With noise generation as well, the gardens of the nearby properties will effectively be unusable during working hours.
- If approved, there would need to be, at the very least, effective measures in place to mitigate against the worst effects of increased noise and dust pollution and these requirements are properly enforced.

It is clear from the points raised above that the points of objection raised are focused on the operation of the Penygroes Concrete Works, the negative effects the works are currently having on two of the closest properties and how it is feared a new access closer to these properties may make the current situation worse.

Looking first at the current issues experienced by the neighbouring properties, the Planning Department have not been made aware of these concerns in the past. Even so, such concerns should, and it would appear have, been directed at the Authority's Public Protection Department. They have been consulted on this planning application and raise **no objections** to the proposal. Now that is not to say that the current issues are not being

experienced. However, it is considered that the creation of the access would not exacerbate the issues for the objectors beyond the current levels.

The new ELR has already been approved and will be operational and creating a potential disturbance for the objectors for better or worse. It is considered that the additional movements to the Concrete Works would not significantly add to the volume of traffic bourn by the new ELR and, as such, the negative effect of this additional traffic would not be significant.

- The proposed access and site footprint increase is onto a green field area with the removal of native hedges. This is not a necessity. The green field area should be preserved and the Concrete Works should continue to use their existing Norton Road entrance.

With regard to this final point, by virtue of the creation of the ELR, the green field status of the site proposed for the new access to the Concrete Works has now been lost. It also offers a new opportunity to provide an improved vehicular access for the Concrete Works onto a road that has better alignment, with and visibility than the current access and which would not require the heavy vehicles to drive past many more residential properties.

CONCLUSION

Taking into account all of the points raised above and in considering, on balance, the potential benefits of the proposed scheme, it would appear that inevitably this scheme, given the proximity to residential properties, may have undesirable consequences. However, on balance, it has been considered by Public Protection that the proposal would not introduce issues at a scale or level that would be unreasonable. Also, the location of the new access would mean that heavy lorries, although they would be passing close to these two properties, would be potentially avoiding passing close to numerous other properties as the vehicles would be able to use the new ELR and avoid having to use the Gorslas junction, Penygroes and Norton Road specifically.

In addition to the above, the application will provide a contribution of £6351.87 towards the Caeau Mynydd Mawr SAC and provision of Marsh Fritillary habitat.

In light of the above, the application is considered to be acceptable and is therefore 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 15 May 2018:

- The 1:2500 scale Location Plan (01)
- The 1:200 scale General Arrangement – Main Access (02)
- The 1:25, 1:500 and 1:1000 scale General Arrangement – Agricultural Access (03)
- The amended 1:250 scale Drainage Plan (CW01 D) received on the 16 January 2019
- The 1:50 scale Fencing/Access Construction Details (05)

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

- Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
- Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
- Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.
- If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority.
- If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.
- Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.
- The following aspects of imported materials require validation:

- A copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual [topsoil must be approved in writing by the Local Authority prior to importation].
- 4 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained in perpetuity, unobstructed, for the purposes of parking only. In particular, no part of the parking facilities is to be obstructed by non-motorised vehicles.
 - 5 The new agricultural access shall be hard-surfaced in a bonded material up to the gate behind the nearside edge of the shared use facility, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.
 - 6 Any access gates required shall be open inwards into the site only.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3 To prevent contamination from a known industrial site.
- 4-6 In the interest of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with policy GP1 of the LDP in that the proposed accesses utilise acceptable materials and would not have unacceptable amenity impacts upon the occupiers of the neighbouring land users. It also provides new safe accesses for existing users to existing businesses off the new Economic Link Road whilst having regard to the safe, effective and efficient use of the transportation network. The development provides for the satisfactory generation, treatment and disposal of surface water.
- The proposal complies with policy TR3 of the LDP in that the new access created off the ELR in this location provides appropriate servicing space in accordance with the required standards, along with the required access standards, commensurate with the standard of of road being built. This will ensure that highway safety is maintained and improved and also provides a suitable Sustainable Drainage System (SUDS) to acceptable deal with surface water generated from the development.

NOTES

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

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

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

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

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

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