

**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 CHWEFROR 2019
ON 19 FEBRUARY 2019**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal Del/
Area South*



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 yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

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

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| COMMITTEE: | PLANNING COMMITTEE |
| DATE: | 19 FEBRUARY 2019 |
| REPORT OF: | HEAD OF PLANNING |

INDEX - AREA SOUTH

| REF. | APPLICATIONS RECOMMENDED FOR APPROVAL |
|----------------|---|
| S/37075 | Demolition of the existing school building and the redevelopment of the site for a new school, car park, sports pitch, MUGA and associated infrastructure works at Pembrey CP School, Ashburnham Road, Pembrey, Llanelli, SA16 0TP |
| S/38235 | Proposed construction of residential development comprising 32 units with associated access, parking, landscaping & infrastructure works at land at Glanmor Terrace, Burry Port, SA16 0NE |

APPLICATIONS RECOMMENDED FOR APPROVAL

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| Application No | S/37075 |
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|--------------------------------|--|
| Application Type | Full Planning |
| Proposal & Location | DEMOLITION OF THE EXISTING SCHOOL BUILDING AND THE REDEVELOPMENT OF THE SITE FOR A NEW SCHOOL, CAR PARK, SPORTS PITCH, MUGA AND ASSOCIATED INFRASTRUCTURE WORKS AT PEMBREY CP SCHOOL, ASHBURNHAM ROAD, PEMBREY, LLANELLI, SA16 0TP |

| | |
|---------------------------|--|
| Applicant(s) | CARMARTHENSHIRE COUNTY COUNCIL, PROPERTY DESIGN & PROJECTS MANAGER - MR HYWEL HARRIES, BLOCK 3 PARC MYRDDIN, RICHMOND TERRACE, CARMARTHEN SA31 1HQ |
| Agent | ASBRI PLANNING LTD - MR RICHARD BOWEN, UNIT 9 OAK TREE COURT, CARDIFF GATE BUSINESS PARK, CARDIFF, CF23 8RS |
| Case Officer | Robert Davies |
| Ward | Pembrey |
| Date of validation | 12/04/2018 |

CONSULTATIONS

Head of Highways and Transport – No objection subject to conditions.

Head of Leisure (Parks) – Has advised that in terms of the Greenspace standards and in particular the standard that states that 'No person should live more than 400m from their nearest area of Greenspace (of at least 0.5ha)' there appears to be sufficient greenspace provision (amenity and play space) around the Pembrey School site.

Head of Public Protection – No objection subject to conditions in relation to air quality, pollution, noise and contaminated land.

Head of Corporate Property – No response received to date.

Pembrey and Burry Port Town Council – No objections, recommend approval.

Local Members – County Councillor H Shepardson fully supports the proposal. County Councillor S Matthews has not responded to date.

Land Drainage – No objection. Confirm that the proposed surface water management proposals are acceptable.

Natural Resources Wales (NRW) – No objection.

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

Network Rail – No objection.

The Coal Authority - No objection.

Dyfed Powys Police (Design) – No response received to date.

Sports Wales – As part of the PAC process requested justification for the loss of accessible play space/amenity green space.

Sports Wales noted that there is a LEAP/amenity open space nearby at Maenor Helyg but is this sufficient for the community's needs? Are there any other spaces available? Sports Wales is mindful that the application site is of a suitable size and nature for informal football and rugby games etc. but Maenor Helyg is not.

It is mentioned that the Carmarthenshire Greenspace Assessment demonstrates that there is no deficiency in open space within the ward. Sport Wales would be grateful to see a copy of the assessment.

The Town Council has said it has undertaken a study of the park and decided that it cannot be sustained. Sports Wales would be grateful to see more details of this study. It is accepted that it might not be necessary to retain play equipment at the site with the play area available nearby at Maenor Helyg but it might be necessary to retain the site for informal play and games.

Again it is noted that the new school will include new sports facilities but there is concern about access to these facilities. If they were freely available therefore replacing what is being lost then Sports Wales would have no concerns.

Until the required information can be provided Sports Wales would object to the application.

Neighbours/Public – The application was originally advertised by virtue of both press and numerous site notices. Following the receipt of additional information, the application was re-advertised by virtue of press and site notices. To date one neighbouring property has commented. Whilst fully supporting the development of a new school in Pembrey, the neighbouring property has raised concern over surface water drainage as the property is located at a lower level to the south than the proposed playing pitch. There is also concern over the proposed internal roadway between the neighbouring property and the pitch itself.

RELEVANT PLANNING HISTORY

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

| | | |
|---------|---|------------------|
| S/29046 | The placement of a new demountable classroom unit and its associated services for the accommodation of flying start Full planning permission | 26 November 2013 |
| S/27247 | To provide two parent waiting shelters within the school grounds Full planning permission | 12 November 2012 |
| S/06223 | Siting of double classroom with toilets - demountable building Full planning permission | 02 April 2004 |
| S/02497 | Demolition of World War 2 air raid shelter Full planning permission | 15 June 2000 |
| S/01637 | Demolition of the former air raid shelter building and removal of all material from site Notification of demolition (approval) | 19 January 1999 |

APPRAISAL

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

THE SITE

The application site is of an irregular shape and can be considered as two distinct parcels: the existing school to the west; and the recreational playing fields to the east. The site measures approximately 1.6ha in area (0.7ha greenfield/0.83 previously developed).

The Design and Access Statement submitted with the application states that the existing school building requires significant investment to bring it up to 21st century standards. The school building is irregular in shape, with additional units being added to the main building over time. There are demountable units to the south west of the site, and there is a relatively new 'Flying Start' nursery building to the south east of the site. Between the buildings is a concreted area which provides recreational playing space for the children. To the west of the site is a smaller concreted area and a soft landscaped play area which has a climbing wall and other children's play equipment. To the south of the site, there is an area which is currently beyond the curtilage of the existing school, to the east of 2 Clos y Lloetrach, which is overgrown and unmaintained.

To the east of the main school site is a play area and recreational ground which slopes slightly from north to south. The play area is mainly grass, with a small tarmacked area which has some equipment (swing etc.) to the north east of the area. At present the playing fields can be accessed through gates located on its northern boundary via Ashburnham Road. Two rugby posts are located in this area. There are no formal pitch markings, and the area is not sufficient size to accommodate rugby matches.

The site is bound to the north by Ashburnham Road (B4311) which is traffic calmed along its length and is a main public transport route. School pick up and drop off currently happens on this road due to the absence of any formal off road arrangement. Residential properties

at Glan Aber are located to the east whilst the site is bound by the railway line to the south. To the immediate west of the site there is an existing school/nursery and residential dwellings.

Within the site, there are a series of boundary treatments which divide the play areas with the facilities/equipment representative of the age of pupil in each section. There is a 1.5m high mesh fence to the west of the site which separates the school and the recreational area.

The immediate area surrounding the application site is primarily residential in character.

THE PROPOSAL

The application seeks full planning permission to demolish the existing school buildings and redevelop the site for a new school, car park, sports pitch, multi-use games area and associated infrastructure works. It is proposed to undertake the development in two distinct phases whereby in phase 1 the new school and car park arrangement will be developed in its entirety before the existing school is demolished to facilitate the remainder of the development as shown. This will ensure that the existing school will remain operational during the build process of the new, keeping school disruption to a minimum. The proposed school is to be designed to BREEAM excellent standard.

The existing school is attended by 235 pupils, and it is understood that the new school proposed will make provision for an additional 35 pupils. There will be no additional staff and the school catchment will remain the same.

The proposed 1,941sqm school building is to be set further back within the site in comparison to the existing, and will continue to have its main front elevation facing Ashburnham Road being located on an east-west axis.

The proposed school building is to be located to the south east of the site and will comprise of:-

- Nursery Classroom;
- Reception Classroom;
- Year 1 Classroom;
- Year 2 Classroom;
- Year 3 Classroom;
- Year 4 Classroom;
- Year 5 Classroom;
- Year 5/6 Classroom;
- Year 6 Classroom;
- Food/science/DT Room;
- SENCO/Group Room;
- Library/IT Hub;
- Staff Room;
- Multi-Purpose Hall;
- Head Teacher Room and Admin. Office;
- Kitchen.

In terms of outdoor facilities, the proposed plans incorporate different play/teaching areas including:-

- Multi Use Games Area (MUGA);
- Hard Social Play Areas;
- Outdoor Teaching Area;
- External Play Equipment.

The proposed external finishes to the school development consists of a mixture of zinc cladding, timber cladding and render to the walls and zinc standing seam to the roof. An area of Solar PV is also proposed to the southern roof.

The main vehicular access to the new school is to be located to the north east from Ashburnham Road. This will in the form of a new separate entry and exit arrangement via a one way internal arrangement. A separate emergency and maintenance vehicular access is proposed to the north-west corner. As aforementioned the existing school does not currently have dedicated pick up/drop off facilities, however 63 car parking spaces, including 2 disabled spaces, are proposed as part of the scheme. This is an increase of 53 car parking spaces on the current situation. Provision for a bus layby is also provided within the car park.

In terms of pedestrian access, separate footways are proposed to both east and west of the above mentioned vehicular access points.

The proposed boundary treatment measures consist of a mixture of 2.4m high weldmesh fencing to the north, and 2.4m high close boarded fencing to the south and east.

The DAS states that the MUGA and sports pitch will be available for community use outside of school operating hours.

In terms of drainage, it is proposed to dispose of foul sewerage via the main sewer whilst surface water is to be disposed of via soakaways within the site.

In addition to the drawing package, the full planning application itself was originally accompanied by the following supporting information:-

- Design and Access Statement;
- PAC Report;
- Drainage Layout;
- Drainage Strategy;
- Preliminary Ecological Report;
- Hard Landscape Specification;
- Soft Landscape Specification;
- Landscaping Planting Plan;
- Proposed External Lighting, CCTV and Vehicle Charging Installation;
- Noise Impact Assessment;
- Geo Environmental and Geotechnical Assessment;
- Transport Assessment;
- Travel Plan;
- Tree Survey and Arboricultural Impact Assessment.

During the course of the planning application process the following additional supporting information was received:-

- Badger Method Statement;
- Bats Method Statement;
- Reptile Mitigation Strategy;
- Method Statement – Stage 2 Targeted Ecological Surveys;
- Revised Surface Water Drainage Report.

In addition to the formal PAC process, it is understood that the applicant undertook a separate public exhibition regarding the proposals.

PLANNING POLICY

Local Planning Policy Context

The application site is located partly within and partly outside the defined settlement limits of Pembrey as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014. The existing school complex is within the defined settlement limits whilst the area outside limits is defined as a recreational area.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

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 LSP's settlement framework. In this respect Burry Port/Pembrey is identified as a Service Centre.

Policy SP9 of the LDP promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

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 SP16 of the LDP supports the provision of new community facilities and states that proposals for new education and training related developments will be supported where it supports the settlement framework and accords with the policies of the plan.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

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 GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP4 of the LDP states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

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 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.

Policy EP5 of the LDP states that proposals for development in coastal locations will be permitted provided that they are necessary in that location and they do not increase the risk of erosion, flooding or land instability.

Policy REC1 of the LDP Protection of Open Space states:-

Provision will be made to protect and wherever possible enhance accessibility to open space. Proposals which result in the loss of existing open space will only be permitted where:

- a) It is demonstrated that there is provision of at least equivalent value available within the settlement, or where applicable the sustainable community, in an accessible location; and,
- b) It is demonstrated that the need for the facility has ceased; and,
- c) A deficiency of open space is not created through its loss; or,
- d) The re-development of a small part of the site would allow for the retention and improvement of the facility.

Supplementary Planning Guidance

There are a number of Adopted SPG's relevant to the consideration of this planning application including:-

- Nature Conservation and Biodiversity;
- Place Making and Design;
- Welsh Language;
- Leisure and Open Space – Requirements for New Developments.

In terms of the latter SPG, whilst the guidance places an emphasis on requirements for housing related development, LDP Strategic Policy 16: Community Facilities is highlighted in terms of recognising that the protection and retention of community facilities should, wherever feasible, be considered and responsive approaches adopted to assist in their retention.

Paragraph 2.2.5 of the SPG states that the potential for dual use of facilities should be encouraged particularly where the additional activity would assist in broadening service delivery and enhancing viability and usage.

LDP Policy REC 1: Protection of Open Space provides for the protection of existing open space but also provides a measure of flexibility in recognition of changing demographic characteristics, the condition and vitality of existing provision and any shifting patterns in need. LDP Policy REC 3: Proposed New Open Space identifies the Council's (and where appropriate partner organisations') proposed open space schemes.

National Planning Policy Context

National Planning Policy is contained within the Wales Spatial Plan, which provides an overall strategic framework, together with Planning Policy Wales (PPW), originally published by the Welsh Assembly Government in March 2002 with the most recent edition published in December 2018. PPW is supplemented by a series of Technical Advice Notes (TANs).

Planning Policy Wales is the principle document of the Welsh Assembly Government which sets out the land-use policy context for the consideration and evaluation of all types of development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system provides for an adequate and continuous supply of land available and suitable for development to meet society's needs in a way that is consistent with overall sustainability principles.

Planning Policy Wales confirms at Paragraph 1.2 that:

“The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural wellbeing of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.”

Planning Policy Wales has always promoted the notion of sustainable development as being central to all planning decisions in Wales. PPW defines sustainable development as:

“Sustainable Development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Paragraph 1.11 of PPW states that:-

“The Well-being of Future Generations Act places a duty on public bodies to carry out sustainable development. This is not a new concept for the planning system as the principles of sustainable development have been at the heart of planning policy since PPW was first published in 2002. However, the concept has been expanded under the Well-being Act and it requires an improvement in the delivery of all four aspects of wellbeing: social, economic, environmental and cultural.”

The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales.

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 1.15 of PPW states that:

“The Planning Act introduced a statutory purpose for the planning system. Any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. The planning system is central to achieving sustainable development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest so that it contributes positively to the achievement of the well-being goals.”

Section 4.9 of PPW provides a preference for the re-use of land.

Paragraph 4.9.1 states that:-

“Previously developed (or brownfield) land 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 3.5.1 states that:

“Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re use will promote sustainability principles and any constraints can be overcome...”

Paragraph 3.5.2 of PPW goes on to state:-

“Planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development and to secure a coherent approach to their development. To incentivise the appropriate re-use of previously developed land, planning authorities should take a lead by considering and identifying the specific interventions from the public and/or private sector necessary to assist in its delivery. This will normally support regeneration initiatives and land allocations in development plans and will include the need to raise awareness of risks as part of an effective de-risking strategy. This approach will inform the development of appropriate risk assessments and remediation strategies at the application level intended to safeguard new developments from the health and environmental risks arising from past land uses, such as contamination, old mine workings or former landfill sites.”

Paragraph 2.2 of Technical Advice Note 12 Design (2016) states:-

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales - from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2016) states:-

- 2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.
- 2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme should be presented in the design and access statement where one is required.

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.
- TAN 12 Design (2016) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.
- TAN 14 Coastal Planning (1998) provides advice on key issues relating to planning for the coastal zone, including recreation and heritage and shoreline management plans.
- TAN 15 Development and Flood Risk (2004) aims to direct new development away from those areas that are at high risk of flooding. Those areas of high risk are defined on a series of Development Advice Maps (DAMs) which detail three principle zones, A, B, C and sub-categories C1 and C2 that should be used to trigger Flood Consequence Assessments. TAN 15 defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.
- TAN16 Sports, Recreation and Open Space (2009) provides guidance regarding planning for sports, recreation and open space provision as part of new developments. It also provides advice in relation to the preparation of open space assessments.
- 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 20 Planning and the Welsh Language (2017) provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. Further advice is provided in terms of determining planning applications where

the needs and interests of the Welsh language may be a material consideration. In essence, the TAN advises that planning applications should not routinely be subject to Welsh language impact assessment as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

- TAN 23 Economic Development (2014) re-iterates the broad definition of economic development contained within the Chapter 7 of PPW, and states that it is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.
- TAN 24 The Historic Environment (2017) provides guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and listed building applications.

With regard to protecting the integrity of the European designated site Regulation 63 of The Conservation of Habitats and Species Regulations 2017 reads as follows:-

Assessment of Implications for European Sites and European Offshore Marine Sites

63.-(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 of the plan or project 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 it 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 specifies.
 - (4) It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.
 - (5) In the light of the conclusions of the assessment, and subject to regulation 64, 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 competent 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 it proposes that the consent, permission or other authorisation should be given.

- (7) This regulation does not apply in relation to—
- (a) a site which is a European site by reason of regulation 8(1)(c);
 - (b) a site which is a European offshore marine site by reason of regulation 18(c) of the Offshore Marine Conservation Regulations; or
 - (c) a plan or project to which any of the following apply—
 - (i) the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(a) (in so far as this regulation is not disapplied by regulation 4 (plans or projects relating to offshore marine area or offshore marine installations) in relation to plans or projects to which those Regulations apply);
 - (ii) the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006(b);
 - (iii) the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017(c); or
 - (iv) the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010(d).
- (8) Where a plan or project requires an appropriate assessment both under this regulation and under the Offshore Marine Conservation 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 the United Kingdom, provided that an assessment made for the purpose of this regulation and the Offshore Marine Conservation Regulations assesses the effects of the plan or project as a whole.
- (9) In paragraph (1) the reference to the competent authority deciding to undertake a plan or project includes the competent authority deciding to vary any plan or project undertaken or to be undertaken.

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, it concentrates on those designated Natura 2000 sites to the south within the Loughor Estuary and Carmarthen Bay area.

In relation to flooding, the application site is located outside any of the defined flood zones as outlined in the Development Advice Maps referred to under TAN15.

THIRD PARTY REPRESENTATIONS

As aforementioned, only one letter of representation has been received from a third party which, whilst supporting the principle of the new school, raises concern over surface water drainage and the presence of an internal roadway between the playing field and the third party's house. These matters are considered to be material planning considerations and will therefore be addressed as part of this appraisal.

With respect to surface water drainage, a revised drainage strategy report was submitted during the course of the planning application process following further soakaway testing. This indicated and proposed the following:-

- Further shallower soakaway testing confirmed the sandy ground conditions in Pembrey which hold groundwater at deeper depths.
- It is proposed to lay as much of the proposed surface areas as possible in permeable construction finishes to take advantage of the freely draining sand immediately below. This includes car parking and pitch areas. Any impermeable constructions, such as soft play areas, will be laid to fall on to permeable areas for filtration by the permeable construction and infiltration into the underlying sand strata.
- The roof of the proposed school building will be drained into a cellular soakaway 40x6x0.4 m deep kept as high as possible in the sand. This soakaway will be in excess of 5 m away from the building and in excess of 10 m away from the site boundary fence to the railway to the south.
- All surface water design calculations consider the 6 hour 1:100 year return storm with a +30% allowance for climate change.
- The above proposals do not appear to change the flow directions which could be currently experienced from the land in exceedance conditions.

The surface water drainage strategy and layout has been considered in detail by the Authority's Land Drainage Section who confirm that the proposals are acceptable and therefore do not object to the application.

In relation to foul water, a gravity feed is proposed into the main sewer which is considered to be the most acceptable and sustainable method. There is no discernible increase in foul flows as similar size school. It is likely that existing surface water from school enters combined sewer as there is no separate surface water sewer existing. Therefore the proposed surface water drainage proposals will likely decrease the burden on the main sewer.

Dwr Cymru/Welsh Water has raised no objection to the proposal, whilst reference is drawn to an existing foul sewer that crosses the site from east to west and the safeguarding requirements in this respect.

With regards to the concern raised over the internal roadway between the playing field and the third party's property, this roadway is just a grass road maintenance access and will therefore only be used occasionally.

APPRAISAL

Scale & Design

The proposed development will result in a new modern 21st century standard school for Pembrey, which will replace the existing which is need of investment and is currently heavily reliant upon demountable classrooms.

The proposed building is of a contemporary design, and is two storey in scale. The massing of the building appears less due to its significant set back within the site. The proposed development works with existing site levels and is designed to achieve BREEAM Excellent standard.

Residential Amenity

In terms of residential amenity, as aforementioned, only one neighbouring property has commented on the application and the matters raised have been addressed above. The proposed development is to retain the school at the heart of the community making use of both the existing site and adjacent land.

The scale and design of the proposed development is considered acceptable, with adequate separation distances achieved between the proposed built form and existing residential dwellings.

Adequate boundary treatment and landscaping measures are proposed to limit the impact and to safeguard residential amenity. A no dig solution is proposed for the maintenance track to ensure that boundary trees remain unaffected.

The provision of off road parking and pick up/drop off areas will benefit residents along Ashburnham Road, as currently cars have to park outside of residents houses.

A lighting design scheme has been submitted to endeavour to reduce impact on residents demonstrates no unacceptable impact on local residents in this respect. The Authority's Public Health division has raised no objections to the application or this lighting plan.

Loss of Open Space

As the new school building itself with associated car park and external areas are to be developed on existing recreational land, the loss of open space needs to be addressed with specific reference drawn to Policy REC1 of the LDP. TAN16 which was published in January 2009 is also relevant and its purpose is to advise on the role of the planning system in making provision for sport and recreational facilities and informal open spaces, as well as protecting existing facilities and open spaces in urban and rural areas in Wales (Para 1.1).

In their response to the application, Sports Wales has indicated that it would object to the planning application unless sufficient justification for the loss of accessible play space/amenity green space is provided.

In order to satisfy the requirements of Policy REC1, which is referenced in the Planning Policy section of this report, it will need to be demonstrated that it accords with criterion a and b and either c or d. The content of the applicant's Design and Access Statement, and the PAC Report, are noted in this respect.

As noted in Carmarthenshire's Greenspace Assessment, Carmarthenshire's adopted standards for open space is 2.4ha per 1,000 population, which should comprise:

- 1.6 ha of outdoor sports facilities;
- 0.8 ha of children's play areas, of which:-
 - 0.6 ha of informal play areas;
 - 0.2 ha of equipped play areas.

Dealing with each of the criterion of Policy REC1 in turn:-

Criterion a

It is demonstrated that there is provision of at least equivalent value available within the settlement, or where applicable the sustainable community, in an accessible location.

It is understood that the development will result in the loss of a park which currently consists of a swing and a playing pitch. However, it should be noted that the playing pitch is used informally and so for the purposes of this assessment is considered as an informal open space facility. The area which consists of a swing could be considered as a Local Equipped Area of Play, however, it is acknowledged that there is in fact very little equipment provided at this park and therefore it could be argued that it does not fully meet the functions and role of a LEAP, which is outlined below (extract taken from Carmarthenshire SPG on Leisure & Open Space Requirements for New Developments (2016)):

The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live, usually within 5 minutes walking time. Play features including equipment are an integral part of the LEAP and the attractiveness of such spaces, though it is also important that the space can be used for physical activity and games.

It is considered likely that the park therefore fulfils the role of an informal open space. As a result, it is the loss of the informal open space which needs to be reviewed.

Taking into consideration the proposed loss of this facility, the alternative provision for the community would be the park at Maenor Helyg and the park at Clos Hermon / Maes-y-Capel.

Maenor Helyg comprises a LEAP and an informal open space and is located some 480m along the road to the west and is accessible via Ashburnham Road and Maes Helyg; there is a pavement along the route and a footpath which runs directly from Maes Helyg to the park. The route appears to be flat and easily accessible and walkable.

The park at Clos Hermon / Maes-y-Capel is located to the north east and the shortest route to the park from the existing park appears to be along Ashburnham Road and then northwards along a footpath leading directly to the park. This route measures some 700m.

The alternative parks both provide LEAPs. Maenor Helyg also has a large area of informal play space while Clos Hermon/Maes-y-Capel has a small amount of amenity greenspace surrounding the LEAP. These facilities appear to be of a higher standard and offer significantly more in terms of the level and quality of provision than the existing park at the application site.

In terms of their location, both are accessible from the application site by a walkway and footpath. The closer of the two parks would be Maenor Helyg and the route to this park appears to be easily accessible to children. The Fields in Trust Guidance sets out the reasonable walking distances from open space facilities, these have been referenced by the Applicant in the submitted PAC Report.

The Applicant draws reference to the requirement for amenity green space to be within 480m walking distance from dwellings. From the Local Planning Authority's assessment Maenor Helyg is located some 480m walking distance from the access to the existing park. Dwellings to the east of the application site are therefore likely to be located a distance in excess of 480m. From our assessment, this is likely to affect a small number of dwellings along Ashburnham Road and at Glan Aber. It should however be recognised that there may be small areas of informal open space in these residential areas which offer amenity value to these residents.

Criterion b

It is demonstrated that the need for the facility has ceased.

The PAC Report sets out the comments of Pembrey and Burry Port Town Council who note that due to the park's limited offer, children are not entertained sufficiently. As part of the ongoing asset transfer process where the responsibility of parks is being transferred from the County Council to local Community Councils, Pembrey and Burry Port Town Council undertook their own usage analysis of existing parks in Pembrey in order to establish future viability. Their response to the PAC indicates that they concluded that this recreation area was not sustainable and the Town Council instead would focus on three super parks in the Burry Port and Pembrey wards. These three parks consist of the existing park in Burry Port, the new park at the harbour (currently under construction) and the aforementioned park at Waun Sidan/Maenor Helyg.

The Local Planning Authority considers that the above demonstrates that the demand for this park has ceased. Paragraph 6.9.3 of the Local Development Plan states that ...local knowledge should also be considered when determining the significance of these spaces to the local community.

Criterion c

A deficiency of open space is not created through its loss.

The Greenspace Assessment indicates that there is sufficient provision of Outdoor Sports Facilities in Pembrey and Burry Port with 1.88ha per 1,000 people. It is considered likely that even with the loss of the open space which is proposed as part of this application that sufficient Outdoor Sports Facilities would remain.

In assessing children's play areas, the Greenspace Assessment focusses on equipped areas and so the data which the Local Authority hold on informal areas is incomplete. It is clear from the Assessment that at the time the study was undertaken there was a deficiency of provision in the Pembrey and Burry Port area. However, as noted above, it is doubtful that the park is currently fulfilling the role of an equipped area of play in the community but rather an informal open space provision. Given that the Greenspace Assessment does not take into consideration informal open space provision it is unlikely that the loss of this park would exacerbate that position in respect of equipped areas of play.

The Authority's Head of Leisure has been consulted on the application and has advised that in terms of the Greenspace standards and in particular the standard that states that 'No person should live more than 400m from their nearest area of Greenspace (of at least 0.5ha)' there appears to be sufficient greenspace provision (amenity and play space) around the Pembrey School site.

Criterion d

The re-development of a small part of the site would allow for the retention and improvement of the facility.

The proposed development would result in the loss of informal open space but will result in the creation of a MUGA and sports pitch, which the planning submission indicates will be available for community use outside of school hours. Given that these facilities would be new it is assumed that it would result in the improved and better quality facilities which the school pupils will benefit from.

It is Paragraph 8.20 of the DAS that states that these facilities will be available to community groups and sports clubs. The availability of the facilities to the public is an important consideration. It is only facilities that are routinely available to the public that would be considered as relevant and applicable in this assessment and in satisfying the criterion. The importance of access to these facilities has been noted by Sports Wales, effectively replacing informal provision with more formalised pitch and MUGA facilities. If they were freely available therefore replacing what is being lost then Sport Wales would have no concerns.

In respect to access to such facilities TAN 16 states that young people's recreational needs are a priority, improving levels of physical activity and access to facilities in and outside schools (Para 1.9), and highlights that schools are encouraged to open their playing fields and premises for community use, particularly where there is limited provision of playing fields and open space (Para 3.19). This will need to be confirmed by the head teacher and board of governors for the school.

Therefore in summary, and on balance the Local Planning Authority considers that the proposed development accords with Policy REC1 of the LDP.

Noise & Air Quality

In terms of air quality, the proposed development will replace the existing school in the same location and only makes provision for an additional 35 pupils to be accommodated. As such, the Authority's Public Health division has confirmed that it has no objection from an air quality perspective.

In terms of noise, the application was accompanied by a Noise Impact Assessment undertaken in accordance with TAN11 and relevant best practice. This indicates that with a suitably designed scheme the noise limits of Building Bulletin 93 can be met internally within the school.

In addition the noise impact of the development on the sensitive receivers has been considered and the report concludes that with a suitably designed scheme the development can have a low impact on the receivers in the area.

This assessment has been considered by the Authority's Public Health division who raise no objection subject to conditions.

Highways

As aforementioned, the application was accompanied by a Transport Assessment and Travel Plan.

The TA estimated 471 daily two way trips to the existing school. The proposed school makes provision to accommodate an increase of 35 pupils, with no additional staff proposed. The school catchment is to remain the same. The TA therefore estimates an increase of 15 vehicle trips to be produced by the proposed development, which is negligible.

The Travel plan -provides an action plan to promote sustainable transport options including walking, cycling and public transport for pupils, parents and staff. This is an evolving document.

As aforementioned, there is no existing off street car park or pick up/drop off area for parents to use, however the proposed scheme makes provision for an increase in off street car parking from 10 spaces to 63. This will significantly reduce car parking on Ashburnham Road itself. This car park will be accessed via a one way in and one way out system and there is clear separation between pedestrian and vehicles. A separate emergency access is proposed.

An offsite highway works plan has also been provided which indicates revised road markings and a revised bus stop arrangement on Ashburnham Road.

The Authority's Head of Transport has considered this information in detail and has raised no objection subject to conditions.

Ground Conditions

In terms of ground conditions, the application was accompanied by a Geo-environmental and Geo-technical report. This only looked at the proposed school site and recommends further work on the existing.

The report indicate that stockpiled material to south west of the site does have asbestos, which will need to be removed by a licensed contractor and supplementary sampling of surface soils undertaken thereafter.

There are no obvious potential on site source of hazardous gas identified, however the report recommends formal ground gas risk assessment on old infilled canal to south.

Either piled foundations or improved ground foundations are needed according to the report.

This information has been considered by the Authority's own Public Health division and NRW, both of whom raise no objection subject to conditions.

Flooding

The application site is not located with any of the defined flood zones as defined by the Development Advice Maps referred to under TAN15. The Authority's own Land Drainage division and NRW have raised no comments in terms of flooding.

Ecology

The original Preliminary Ecological Report submitted with the application recommended that further survey work was carried out. These additional surveys were received during the course of the planning application process and have been considered by the Authority's own Planning Ecologist and Natural Resources Wales.

Bats

Evidence of bats using the building to be demolished for roosting was recorded during the bat surveys.

On the basis of the information submitted it is considered that a NRW development licence will be required to carry out the works and the following advice will apply.

As the bat survey revealed the presence of a bat, work may require derogation in the form of a licence from NRW, which the developer has to apply for. Before such a licence can be granted, the following tests (specified in Article 16 of the EU Habitats Directive and in regulation 55 (9) of the 2017 Regulations) must be satisfied:

- (i) there is "no satisfactory alternative" to the derogation;
- (ii) the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range";
- (iii) the derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

In relation to the above tests, the Local Planning Authority considers that there is no satisfactory alternative as the proposed development relates to an existing school building, which needs to be brought up to modern day standards. In this respect the most cost effective and sustainable solution is to demolish and build new.

Natural Resources Wales has confirmed that in their opinion on the basis of the above report, do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The construction and provision of a new modern and energy efficient school, is considered to be in the public interest and has obvious social and environmental benefits.

Badger

Badgers and their setts are protected under The Protection of Badgers Act 1992. The ecological survey has identified an active badger sett on the site.

A license from NRW will be required to undertake the works and a condition added to the planning permission in accordance with Badger method statement.

Reptiles

The reptile report identifies reptiles to be translocated to a receptor site along the MCP. The method statement states that the management of the receptor site (along MCP) will be incorporated into the current management programme for the public footpaths in the Millennium Coastal Path management strategy, with the diverse vegetation height annually maintained biannually; and as such a financial contribution to Carmarthenshire County Council will be agreed to facilitate and ensure the continued suitability of the receptor site.

Confirmation regarding the agreement to use the MCP and the mechanism to secure the ongoing management of the receptor site must be agreed with the MCP management staff prior to granting any consent and any agreed financial contribution must also be agreed and finalised prior to issuing any consent. This discussion is ongoing.

The Authority's Planning Ecologist is satisfied with the level of assessment made, the findings of the submitted assessments, and the ecological recommendations provided within the aforementioned documents. The Ecologist considers that the recommendations meet Local Development Policy objectives and the Environment Act Wales 2016.

In terms of compliance with the Habitat Regulations 2017, the Planning Ecologist notes that this application site is within 0.5km of the Carmarthen Bay Dunes SAC and within 0.65km of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and the Burry Inlet Special Protection Area (SPA) and Ramsar site. As a competent authority under the Habitats Regulations the Local Planning Authority has to consider the impacts of development on the features for which the European sites are designated and where necessary undertake a Test of Likely Significant Effect. It is considered the development proposed within this application will not likely impact on the SAC, SPA and Ramsar habitat or species features. The site is not directly hydrologically connected to the sites, the works proposed are not considered to pose a significant pollution risk due to the lack of hydrological connectivity and the 0.5km plus buffer between the application site and the designated sites.

The habitat is not considered suitable for SPA and Ramsar site bird features to utilise currently. The works proposed are not considered to pose a significant disturbance risk, as the works are 0.65km from the site.

It is therefore considered not likely that the development will cause any adverse effects including sediment transfer and deposition, turbidity, noise, visual presence, physical disturbance, contamination and nutrient transfer. The development will not change the coherence of the site or the Natura 2000 network. There will be no reduction in the area of habitat within the SAC/SPA/Ramsar site. There will be no direct or indirect change to the physical quality of the environment (including the hydrology) of the habitats within the site. There is unlikely to be any ongoing disturbance to species or habitats for which the site is notified or changes in species composition or population size of any feature and there are no pathway to effects. Therefore on this occasion a full TLSE has not been undertaken.

EIA Screening

Members are advised that a screening exercise relating to the requirement of an Environmental Impact Assessment was undertaken within the first three weeks of receipt of the application. The proposed development falls within Schedule 2, Part 10b of the Town and Country Planning (Environment Impact Assessment) Regulations 2017. The area of development exceeds 1ha which is the applicable threshold for urban development projects,

and as such the indicative threshold and accordingly consideration must be given to the selection criteria contained in Schedule 3 of the Regulations. Following due consideration of the proposal, including the significant amount of supporting information submitted with the application, the development was not considered to have significant environmental effects in terms of its siting and size; it does not occupy a sensitive location and will not give rise to any complex adverse impact; and there are no important historical or environmental features associated with the site. On this basis it was not considered that the requirement of an EIA is applicable.

CONCLUSION

The application site is located partly within and partly outside the defined settlement limits for Pembrey as delineated in the Adopted Carmarthenshire Local Development Plan, 2014. Policy SP16 of the LDP supports the provision of new community facilities and states that proposals for new education and training related developments will be supported where it supports the settlement framework and accords with the policies of the plan. The amplification to this policy states that proposals should be located in a manner consistent with the settlement framework and will only be permitted where they are either within, immediately adjacent to, or directly related to a recognised settlement. In this respect the current proposal is within and immediately adjacent to the settlement of Pembrey, with the proposal representing a logical extension to the school grounds.

The proposed development will be delivered in a phased manner which will enable the existing school to remain operational whilst the new school is built. The new school will then be occupied prior to the demolition of the existing and the creation of playing fields and other outdoor areas on its place.

The proposed new school is to remain in the heart of the community that it serves, and in part will make beneficial re-use of an existing site resulting in significant social and environmental benefits. There are clear gains in from a highway safety perspective.

The scale and design of the proposed development is considered acceptable within its context, whilst it is considered that the proposed development will not result in any unacceptable residential amenity impacts.

It is considered that the above appraisal has addressed the key material considerations associated with this application in detail.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal fully accords with the Local Development Plan.

In reaching this recommendation, the Local Planning Authority has taken into account the requirements of the Well Being of Future Generations (Wales) Act 2015. It is considered that this decision is in accordance with the Act's sustainable development principle and well-being objectives.

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 hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Existing site plan 1:500 @ A1 (PA/002) received 5th April, 2018;
 - Existing site plan 1:500 @ A1 (PA008) received 5th April, 2018;
 - Proposed external lighting, cctv and vehicle charging installation 1:200 @ A1 (BC170453/E05) received 5th April, 2018;
 - Hard landscape outline specification (March 2018 V1) received 5th April, 2018;
 - Proposed phasing plan 1:500 @ A1 (PA004) received 5th April, 2018;
 - Proposed elevations 1:100 @ A1 (PA005) received 5th April, 2018;
 - Proposed floor plans (PA006) @ A1 received 5th April, 2018;
 - Proposed roof plan 1:100@ A1 (PA007) received 5th April, 2018;
 - Proposed external lighting plan 1:200 @ A1 (E05-Rev A) received 10th April, 2018;
 - Location plan 1:1250 @ A1 (PA001A) received 23rd April, 2018;
 - Proposed site plan 1:500 @ A2 (PA002A) received 23rd April, 2018;
 - Boundary treatments 1:500 @ A1 (PA09) received 16th May, 2018;
 - Drainage proposals – existing site survey plan (01) 1:500 @ A1 received 4th December, 2018;
 - Drainage proposals – part existing site survey plan (02) 1:250 @ A1 received 4th December, 2018;
 - Drainage proposals – site location plan (03) 1:1250 @ A3 received 4th December, 2018;
 - Drainage proposals – engineering site plan (04) 1:500 @ A1 received 4th December, 2018;
 - Drainage proposals – engineering site plan (05) 1:250 @ A1 received 4th December, 2018;
 - Site location plan (20214/03) 1:1250 @ A3 received 10th January, 2019;
 - Engineering site plan (20214/04) 1:500 @ A1 received 10th January, 2019;
 - Engineering site plan (20214/05) 1:250 @ A1 received 10th January, 2019;
 - Proposed site layout plan (2178-001-ATK-C-XX-XX-M2-(90)-002A Rev P02 1:250 @ A1 received 10th January, 2019;
 - Existing site survey plan (20214/01) 1:500 @ A1 received 10th January, 2019;
 - Part existing site survey plan (20214/02) 1:250 @ A1 received 10th January, 2019;
 - Landscape plan 1:250 @ A0 (17/610/01 Rev E) received 25th January, 2019;
 - Sections A-F 1:200 @ A1 (17/610/05A) received 25th January, 2019;
- 3 Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.
- 4 The cumulative rating level of the noise emitted from all plant/machinery associated with the proposed development shall not exceed the existing background noise level, which shall be determined at the nearest noise sensitive property or at another

location that is deemed suitable by the authority. The background noise levels are defined as follows:-

- 44dB between the hours of 08:00 and 16:00;
- 36dB between the hours of 16:00 and 08:00.

Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound. Where the background noise levels shall be expressed as LA90 1hr and the ambient noise levels shall be expressed at LAeq 1hr.

- 5 The plant shall be suitably designed in order to ensure it exhibits no features that require a character correction as defined in BS 4142: 2014 Methods for rating and assessing industrial and commercial sound, as a result of any tonality, impulsivity, other specific characteristics and/or intermittency internally or externally to any noise sensitive property.
- 6 At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development complies with conditions 4 and 5 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 4 and 5 are not complied with then the submitted survey shall also include mitigation measures to ensure compliance with conditions 4 and 5. The development shall then be undertaken in accordance with the approved details.
- 7 The noise level during the demolition and construction phases shall not exceed 65 dB LAeq (1 hour) at the nearest noise sensitive property or at another location that is deemed suitable by the authority. Suitable mitigation measures shall be employed where necessary to ensure compliance.
- 8 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of 07:00 – 19:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 9 The Multi Use Games Area (MUGA) is only to be used during school hours (09:00 to 15:30pm, Monday to Friday) and not at all on Saturdays, Sundays or during bank or public holidays.
- 10 All perimeter fencing to the MUGA shall be fixed to the support posts with a neoprene isolator installed to fully isolate the panels from the posts.
- 11 Between the MUGA and the adjacent dwellings it is advised that a boundary fence is installed with a minimum mass of 10 Kg/m². The MUGA enclosure should not be fixed to the fence.
- 12 All perimeter fencing around the sports pitch shall be fixed to the support posts with a neoprene isolator installed to fully isolate the panels from the posts.

- 13 Prior to the commencement of development 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 (1) 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 (2) 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 (3) 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.

- 14 Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. 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.
- 15 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 program 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.
- 16 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

- 17 Prior to the importation of any soil 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 shall be submitted to and approved in writing by the Local Planning Authority.
- 18 No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 19 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
- 20 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 25 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.6 metres within this splay area.
- 21 Prior to the commencement of any part of the development herewith approved, the traffic management/on-highway works including new 'zig-zag' and bus stop road markings shall be carried out in accordance with the Proposed Site Layout plan (2178-001-ATK-C), Rev: P02, received on the 10th January, 2019. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.
- 22 Within 6 months of occupation of the school herewith approved, a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.
- 23 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 24 No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.
- 25 The development should be undertaken in strict accordance with the Tree Survey and Arboricultural Impact Assessment received on the 5th April, 2018.
- 26 The development should be undertaken in strict accordance with Section 5.5 of the Stage 2 Targeted Ecological Surveys received on the 10th January, 2019.
- 27 The development should be undertaken in strict accordance with the Reptile Mitigation Strategy and Method Statement received on the 10th January, 2019.

- 28 The development should be undertaken in strict accordance with the Bat Method Statement received on the 10th January, 2019.
- 29 The development should be undertaken in strict accordance with the Badger Method Statement received on the 10th January, 2019.
- 30 The development should be undertaken in strict accordance with the Drainage Report and Drainage Layout Drawings received on the 4th December, 2018.
- 31 Prior to the commencement of construction work details of the location, design and colour of all external play equipment, shelters, seating and cctv cameras shall be submitted to, and approved in writing by the Local Planning Authority.
- 32 Prior to the commencement of construction work detail specification and/or samples of the external finishes to the development shall be submitted to, and approved in writing by the Local Planning Authority.

REASONS

- 1 Required by Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3 To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.
- 4-12 To preserve residential amenity.
- 13-17 To deal with any contamination and to protect human health.
- 18 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 19 To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 20-24 In the interests of highway safety.
- 25-30 In the interest of biodiversity.
- 31-32 In the interest of visual amenity.

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 SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP16 of the LDP in that a new education facility will be provided that supports the settlement framework of the plan.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that a large proportion of the application site is located within the defined settlement limits of Pembrey, whilst the site is located centrally within the settlement.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.

- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.
- It is considered that the proposal complies with Policy EP5 of the LDP in that the proposed development in this coastal location will not increase the risk of erosion, flooding or land instability.
- It is considered that the proposal complies with Policy REC1 of the LDP in that it will not result in the significant loss of informal and formal open space within the community catchment area.

NOTES

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

| | |
|-----------------------|----------------|
| Application No | S/38235 |
|-----------------------|----------------|

| | |
|--------------------------------|--|
| Application Type | Full Planning |
| Proposal & Location | PROPOSED CONSTRUCTION OF RESIDENTIAL DEVELOPMENT COMPRISING 32 UNITS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING & INFRASTRUCTURE WORKS AT LAND AT, GLANMOR TERRACE, BURRY PORT, SA16 0NE |

| | |
|---------------------------|--|
| Applicant(s) | WESTERN SOLAR LTD - ALAN PETERS, RHOSYGILWEN MANSION, RHOSHILL, CILGERRAN, SA43 2TW |
| Agent | ASBRI PLANNING - MR RICHARD BOWEN, SUITE D, 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW |
| Case Officer | Robert Davies |
| Ward | Burry Port |
| Date of validation | 04/01/2019 |

CONSULTATIONS

Head of Transport – Initial response received raising a number of points to be addressed by the applicant.

Head of Housing – Has confirmed that the ward of Burry Port is an area of high housing need which will be supported by the provision of 100% social housing in perpetuity planned for this development.

This site is being developed by Carmarthenshire County Council's Local Housing Company Cartrefi Croeso, on behalf of the Council. On completion of this development these homes will form part of Carmarthenshire County Council's housing stock and will be affordable in perpetuity.

Head of Education – Has requested a contribution of £20,000 towards improving local education facilities. The applicant has agreed to this contribution.

Head of Leisure - No response received to date.

Pembrey and Burry Port Town Council – No objection, recommend approval.

Local Members – County Councillor Amanda Fox has not responded to date. County Councillor John James, who is a Member of the Planning Committee has also not responded to date.

Land Drainage Officer – No response received to date.

Public Protection – No objection subject to conditions.

Dwr Cymru/Welsh Water – No objection subject to the imposition of conditions and advisory notes on any planning permission granted.

Natural Resources Wales – No objection subject to conditions.

Coal Authority – No objection.

Network Rail – No objection subject to conditions.

Dyfed Archaeological Trust – No objection.

Neighbours/Public – The application was advertised by the posting of two site notices. No letters have been received to date.

RELEVANT PLANNING HISTORY

The following previous application has been received on the application site:-

| | | |
|---------|--|------------------|
| S/02278 | Auxiliary engineering works on sites 3, 4, 5 & 9 and preliminary works for route of proposed highway Full planning permission | 01 February 2000 |
|---------|--|------------------|

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 an almost triangular shaped parcel of land that forms an area of 1.37ha to the northern flank of Glanmor Terrace in Burry Port. The application site red line extends to the railway line to the north, the adjoining sheltered housing scheme of Plas Y Mor to the west with Glanmor Terrace itself to the south leading to the level crossing on Church Road to the east.

The site is flat in respects of its topography and comprises vacant former railway land that is now occupied by low-lying vegetation such as grass and scrub.

The surrounding land uses are mainly residential in nature, with some commercial use also prevalent to the south west of the site. The built form comprises a variety of house types, mostly two storey including terraced and semi-detached dwellings. The Plas Y Mor residential complex, which is fairly untypical in terms of its scale and design has a contemporary appearance with use made of timber cladding and brickwork to the walls with large areas of glazing, and slates to the roof.

Glanmor Terrace runs parallel to the south of the site, and is a 20mph traffic calmed road with speed cushions. This increases to 30mph in the westbound direction past Plas Y Mor. There is also a bus stop at Glanmor Terrace opposite the junction with Silver Terrace.

The Millennium Coastal Path and National Cycle Route 4 (Sustrans 4) can be found to the south of the site along the coast.

THE PROPOSAL

The application seeks full planning permission to construct a residential development of 32 two storey, semi-detached dwellings and flats with associated access, parking, landscaping and infrastructure works.

The proposal will provide 100% affordable housing and is being developed by Carmarthenshire County Council's Local Housing Company Cartrefi Croeso, on behalf of the Council. On completion of this development these homes will form part of Carmarthenshire County Councils housing stock and will be affordable in perpetuity.

The design of the proposed development for Glanmor Terrace is one of contemporary buildings using high quality finishes. The design has been influenced by the Passivhaus standard and the characteristics of other nearby contemporary developments such as Ysgol Gymraeg Parc Y Tywyn to the south-east. This leads to a design which is noticeably unique and is typical of other developments undertaken by Western Solar, the developer partner.

As aforementioned, the scheme will provide 32, two-storey, semi-detached dwellings and flats. Three accesses will be established to serve the site, one to the west, another to the east and a third that serves the proposed car park. 66 car parking spaces will be provided, with 31 block paving spaces immediately to the fore of the dwellings, while 35 spaces are to be located in a communal car park on the eastern portion of the site. It is understood that the internal roadway will remain private and will not be put forward for formal adoption by the Local Highway Authority. A community boules court is proposed to the east of the car park.

It is proposed that the elevations of the dwellings consist of horizontal timber cladding which will remain unfinished and will be left to weather naturally. The windows and doors will comprise painted timber. Photo-voltaic panels will cover the entirety of the roof space, while a corrugated metal roof will be used for the canopy. The dwellings will sit upon a brick plinth and plastic rainwater goods will be used to assist in surface water removal.

The existing levels will be raised by 600mm to provide a clean capped development plateau due to historic land uses. The proposed boundary treatment will be in the form of fencing of different height and designs.

The application was accompanied by the following supporting reports:-

- Coal Mining Risk Assessment;
- Ground Conditions Interpretative Report;
- Additional Ground Investigation Report;
- Construction Environmental Management Plan;
- Noise and Vibration Assessment;
- Water Quality Statement;

- Drainage Strategy;
- Preliminary Ecological Report;
- Tree Report;
- Transport Statement;
- Planning, Design and Access Statement;
- Pre-Application Consultation Report.

PLANNING POLICY

The area is covered by the Carmarthenshire Local Development Plan (LDP) that was formally adopted in December 2014. The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted LDP. The key relevant policies are as follows:-

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

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 LSP's settlement framework. In this respect Burry Port is identified as a Service Centre.

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area.

Policy SP9 of the LDP promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

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 SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

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 GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 of the LDP states that the Council, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new development. The Local Planning Authority has produced Supplementary Planning Guidance on planning obligations.

Policy GP4 of the LDP states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites.

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 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.

THIRD PARTY REPRESENTATIONS

As aforementioned, no third party objections have been received. The application is being presented to Planning Committee for consideration due to Carmarthenshire County Council's interest in the application.

CONCLUSION

The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted LDP. Therefore there is no in-principle objection to developing the site for residential use. The site is considered to be in an accessible location and will result in the beneficial sustainable re-use of previously developed land.

The development will not only provide welcomed affordable housing in perpetuity in the ward of Burry Port which has high housing need in this respect, but will also result in a contemporary, energy efficient development designed to achieve passivhaus standard.

The passivhaus standard is defined as "a Passivhaus is a building, for which thermal comfort can be achieved solely by post-heating or post-cooling of the fresh air mass, which is required to achieve sufficient indoor air quality conditions – without the need for additional recirculation of air".

This means that the heating requirement in a Passivhaus is reduced to the point where a traditional heating system is no longer considered essential. Cooling is also minimised by the same principles and through the use of shading and in some cases via the pre-cooling of the supply air. Night purging and the use of natural cross-ventilation through open windows is encouraged during the summer months.

The proposed dwellings will have solar pv panels covering the whole of the south facing roof slopes whilst the Design and Access explains that all the timber to be used in the development will be locally sourced.

In terms of drainage, the drainage strategy proposes to dispose foul water to the main sewer which is considered to be the most sustainable method. Surface water will be disposed of to a Dwr Cymru/Welsh Water surface water sewer, which connects into a recent Rainscape scheme at Glanmor Terrace/Church Road which then discharges into the Nant Dyfatty to the east. The drainage strategy itself adopts a hierarchical sequential approach to surface water disposal. The drainage strategy has to be read in conjunction with site investigation report which identifies made ground across whole site and contaminants encountered. As such there is potential to mobilise contaminants if infiltration techniques are used whilst shallow groundwater was identified at the site. Therefore infiltration is not considered to be an appropriate option.

The closest water body is the Nant Dyfatty which is located 150m to west, and is therefore not considered to be a viable option, however as aforementioned a connection to a designated surface water sewer which ultimately discharges to a watercourse to the east is proposed. The rate of surface water runoff is to be controlled to greenfield via oversized pipes and cellular storage beneath the car park.

With regard to the CBEEMS Memorandum of Understanding, there is no opportunity to achieve betterment on site by removing surface water from the combined sewer. Carmarthenshire County Council who has an interest in the application has already

implemented surface water removal schemes, whilst a further future scheme is proposed at Silver Terrace/Burrows Terrace to the immediate south of this site to achieve betterment to facilitate the harbour development sites. The scheme provides 100% affordable housing and thus has social, economic and regeneration benefits. Therefore in terms of ensuring compliance with the MoU, it is proposed to use some of the gains already achieved and identified on the drainage register held by the Authority, being mindful that further removal schemes will be undertaken in Burry Port in due course. The Authority's drainage register will be updated to reflect this.

In terms of ground conditions, the application has been accompanied by a Coal Mining Risk Assessment, Ground Investigation and reports and a Construction Environmental Management Plan setting out pollution prevention measures during the construction phase. As aforementioned a 600mm capping is proposed to be introduced. The above reports have been considered by the Authority's own Public Health Division and NRW, both of whom raise no objection subject to conditions.

With regard to Ecology, both Natural Resources Wales and the Authority's own Planning Ecologist welcome the recommendations made in Sections 5.2-5.5 of the Preliminary Ecological Report. This notes that the offsite railway verge is to remain undisturbed as a dark corridor with no direct site lighting, which will continue to provide a commuting and foraging area for bats.

The Planning Ecologist has opined that it is considered the development proposed within this application will not likely impact on the SAC habitat or species features. The site is not directly hydrologically connected to the SAC, the works proposed are not considered to pose a significant pollution risk, as standard pollution prevention measures will be adopted and have been described in the submitted CEMP. Natural Resources Wales have requested several standard contamination conditions and that the development accords with the provisions on the MOU. The habitat is not considered suitable for SPA and Ramsar site bird features to utilise currently. The works proposed are not considered to pose a significant disturbance risk, as the works are 0.5km from the site.

It is therefore not considered likely that the development will cause any adverse effects including sediment transfer and deposition, turbidity, noise, visual presence, physical disturbance, contamination and nutrient transfer. The development will not change the coherence of the site or the Natura 2000 network. There will be no reduction in the area of habitat within the SAC/SPA/Ramsar site. There will be no direct or indirect change to the physical quality of the environment (including the hydrology) of the habitats within the site. There is unlikely to be any ongoing disturbance to species or habitats for which the site is notified or changes in species composition or population size of any feature. Therefore on this occasion a full TLSE has not been undertaken. It is also noted that Natural Resources Wales have also not raised the requirement for the Local Planning Authority to consider a full HRA in their response to the application.

Due to the presence of the railway line to the north the noise report submitted proposed measures including attenuated ventilation in the form of acoustic trickle vents. The Authority's Public Health division has confirmed its acceptance of the report subject to conditions. The proposed residential end use is considered to be fully compatible with surrounding land uses.

In terms of highways, the application has been accompanied by a Transport Statement. The Authority's Highways division has sent through its initial response which has been forwarded on to the agent for comment and action. In their response, highways confirm that they will not adopt the 6.8m wide shared surface type street proposed. They advise that any straight length of road over 60m in length should be traffic calmed, and in respect of this proposal the shared surface street should not exceed 40m in length. The response also highlights the fact that the proposed access points will necessitate changes to existing traffic calming measures on Glanmor Terrace and may result in the need to relocate the bus stop. Both these will be subject to separate TRO's under the Highways Act. The highway section have also posed questions in terms of maintenance of the car park to the east and refuse collection arrangements. The Local Planning Authority awaits a response from the agent on these points.

In terms of design, the proposed two storey massing and built form is considered to be in keeping with existing surrounding residential developments. With regards to aesthetics, parallels can be drawn between the development of the school site at Ysgol Parc Y Tywyn and the existing Plas Y Mor development at Glanmor Terrace owing to a similarity in the selection of materials. The external finishes will naturally weather over time.

It is considered that there are no loss of amenity issues associated with the proposed development. The proposed residential end use is fully compatible with surrounding land uses, whilst the layout allows for adequate separation distance between the proposed housing and existing established developments.

In addition to the community benefit associated with the 100% affordable housing provided, a community recreation resource in the form of a boules area is also to be provided as part of the scheme.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP. As such the application is put forward with a recommendation for approval subject to the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Location plan 1:2500 @ A4 received 17th December, 2018;
 - Proposed block plan 1:200 @ A1 (PG12) received 17th December, 2018;
 - Proposed block plan 1:200 @ A1 (PG13) received 17th December, 2018;
 - Proposed site cross sections 1:200 @ A2 (PG14) received 17th December, 2018;
 - Floor plans, elevations and cross section 1:100 @ A2 (PG15) received 17th December, 2018;
 - Floor plans, elevations and cross section 1:100 @ A2 (PG16) received 17th December, 2018;

- Detailed hard and soft landscaping panels 1:200 @ A1 (edp5256 d001a) received 17th December, 2018;
- Drainage layout 1:200 @ A1 (1002) received 17th December, 2018;
- Drainage layout 1:200 @ A1 (1003) received 17th December, 2018;
- External levels 1:200 @ A1 (1000) received 17th December, 2018;
- External levels 1:200 @ A1 (1001) received 17th December, 2018.

3 Prior to commencement of development 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 Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:-

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) 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.

4 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:-

- a) 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.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (b) 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.

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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.

- 5 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. 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.
- 6 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.
- 7 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.
- 8 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 9 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 10 No building shall be occupied until the drainage system for the site has been completed in accordance with the drainage strategy and drainage layouts received by the Local Planning Authority on the 17th December, 2018, and the details and plan attached to Asbri Planning’s email of the 5th February, 2019. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

11 The proposed external walls to the development will comprise of timber frame type construction of:-

- External timber cladding on battens on a breathable board (density assumed to be at least 20 Kg/m²);
- Twin timber frame creating overall depth of 270mm;
- Cavity fully filled with cellulose (recycled newspaper) insulation;
- 11mm OSB and 12.5mm plasterboard internally (density assumed to be at least 14Kg/m²).

Or another alternative that can be demonstrated in writing to the Local Planning Authority to achieve the following sound reduction index:-

| Frequency (Hz) | 63 | 125 | 250 | 500 | 1k | 2k | 4k | 8k | R_w |
|-----------------------|-----------|------------|------------|------------|-----------|-----------|-----------|-----------|----------------------|
| R (dB) | 27 | 38 | 53 | 65 | 69 | 82 | 75 | 70 | 70 |

12 The proposed roofs of the development will comprise of JJI timber joists construction of:-

- Solar panels on standing seam metal deck;
- 70mm roof joist on breathable board;
- 300mm JJI joists;
- Cavity fully filled with cellulose (recycled newspaper) insulation;
- 9mm OSB and 12.5mm plasterboard internally (density assumed to be at least 13Kg/m²).

Or another alternative that can be demonstrated in writing to the Local Planning Authority's approval to achieve the following sound reduction index:-

| Frequency (Hz) | 63 | 125 | 250 | 500 | 1k | 2k | 4k | 8k | R_w |
|-----------------------|-----------|------------|------------|------------|-----------|-----------|-----------|-----------|----------------------|
| R (dB) | 16 | 27 | 41 | 51 | 57 | 63 | 57 | 50 | 58 |

13 There should be no unattenuated vents or openings on the building façades of the development, and there should be no windows on the elevations facing the railway line which open directly into bedrooms.

14 The proposed glazing to the bedrooms will be a double glazed system of 4mm glass, 16mm void, 6mm glass, or another construction designed to achieve the following sound reduction index:-

| Frequency (Hz) | 63 | 125 | 250 | 500 | 1k | 2k | 4k | 8k | R_w |
|-----------------------|-----------|------------|------------|------------|-----------|-----------|-----------|-----------|----------------------|
| R (dB) | 21 | 21 | 18 | 26 | 37 | 42 | 33 | 30 | 30 |

Test data from the supplier confirming that the octave band sound reduction index stated above should be submitted in writing to the Local Planning Authority for its approval prior to construction.

- 15 Attenuated ventilation provisions should be provided in the bedrooms on the southern façade of the plots closest to the railway line and those closest to the road to achieve the following element normalised level difference (D_{n,e}) in the open position:-

| Frequency (Hz) | 63 | 125 | 250 | 500 | 1k | 2k | 4k | 8k | D_{new} |
|--------------------------|-----------|------------|------------|------------|-----------|-----------|-----------|-----------|------------------------|
| Rail D _{n,e} dB | 32 | 32 | 36 | 36 | 35 | 34 | 35 | 38 | 35 |
| Road D _{n,e} dB | 30 | 38 | 38 | 33 | 36 | 47 | 49 | 57 | 39 |

- 16 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of 08:00 – 16:30 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 17 The development should be undertaken in strict accordance with the measures proposed in the Construction Environment Management Plan received by the Local Planning Authority on the 17th December, 2018.
- 18 The development should be undertaken in strict accordance with the recommendations made in the Preliminary Ecological Report received by the Local Planning Authority on the 19th December, 2018.
- 19 The first floor side wall windows shall be glazed in obscure glass and thereafter retained as such in perpetuity.

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 secure affordable housing in perpetuity for the locality.
- 4 Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity, being on Secondary A Aquifer and contamination is known/strongly suspected at the site due to its previous industrial uses.
- 5 To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 6 To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 7 Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 8 There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 9 There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 10 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 11-16 To preserve residential amenity.
- 17 In the interest of public health and to protect the environment.
- 18 In the interest of biodiversity.
- 19 To preserve residential amenity.

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 SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP6 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.

- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Burry Port and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy GP3 of the LDP in that the affordable housing will be provided and secured in perpetuity and the applicant has agreed to provide a financial contribution towards improving local education facilities.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing development is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

NOTES

- 1 This planning permission is granted subject to a financial contribution of £20,000 towards the improvement of local education facilities.
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.

- 3 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.