

**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 07 MAWRTH 2019  
ON 07 MARCH 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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>07 MARCH 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/34991</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	RESIDENTIAL DEVELOPMENT OF UP TO 94 DWELLINGS, VEHICULAR ACCESS FROM MAES-AR-DDAFEN ROAD, OPEN SPACE, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE AT LAND AT CEFNCAEU, OFF MAES-AR-DDAFEN ROAD AND ERWLAS, LLWYNHENDY, LLANELLI

<b>Applicant(s)</b>	TATA STEEL UK LIMITED, C/O AGENT,
<b>Agent</b>	TURLEY - RHIANON BOULTON, 18 WINDSOR PLACE, CARDIFF, CF10 3BY
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Llwynhendy
<b>Date of validation</b>	18/01/2017

## CONSULTATIONS

**Head of Highways and Transport** - Has raised no objection to the application subject to the imposition of suitable conditions on any permission granted.

**Head of Waste and Environmental Services (Land Drainage)** – Has confirmed his acceptance of the surface water drainage strategy proposed.

**Head of Public Protection and Housing** – Has raised no objection to the application subject to the imposition of suitable conditions on any permission granted.

**Llanelli Rural Council** – Has objected to the application on the following grounds:-

- Concerns that the existing public sewer will not be able to cope with the additional development.
- The area is prone to flooding and ground conditions to the south of the site are often waterlogged.
- The development will displace surface water to other areas.
- Impact upon the local community and general infrastructure.
- Loss of water vole habitat and potential removal of trees and hedgerows.
- Detrimental impact of additional traffic upon surrounding road infrastructure.

Notwithstanding the above concerns, the Council has requested that the following community benefits and improvements be secured to mitigate the impacts of the development should the Planning Authority be minded to approve the application:-

- Road improvements in the area including off road parking for residents of nearby housing estates.
- A pedestrian crossing at the Avenue in Llwynhendy Road.
- A new community hall facility and improvements to existing parks and play areas as well as new play facilities to support the site.

**Local Member** - County Councillor F Akhtar has objected to the application on the following grounds:-

- Flooding.
- Overdevelopment of the site that will be overbearing and out of character with the area.
- Detrimental impact upon highway safety.
- Impact upon foul and surface water drainage.
- Impact upon the Loughor and Burry Estuaries.
- Detrimental impact upon ecology and habitats.
- The effect upon the residential amenity of neighbours by way of noise, disturbance, overlooking and overshadowing.
- Loss of existing views and impact upon the landscape.
- Lack of infrastructure including education and health facilities.
- Adverse impact upon Wildfoul and Wetland Centre environs.

County Councillor S Davies has objected to the application for the following reasons:-

- The area is prone to flooding and ground conditions in the site are often waterlogged.
- Lack of existing sewer capacity.
- Displacement of surface water causing flooding elsewhere.
- More sewage discharges to the Loughor and Burry Estuary.
- Loss of habitats including water voles, hedgehogs, bats and newts.
- Loss of trees and hedgerows.
- Added traffic onto already busy roads in the Llwynhendy area.
- Lack of infrastructure, school places, health facilities and public transport.
- Overdevelopment and unacceptably high density being out of character with existing development in the area.
- Loss of existing views and impact upon the landscape.
- Increased air pollution.
- Adverse impact upon Wildfoul and Wetland Centre environs.

Councillor Davies has requested that the Planning Committee undertakes a site visit in order to consider the above concerns. Moreover, she requests the following community benefits and improvements if the application is approved:-

- Community hall for Llwynhendy/Pemberton residents.
- Roadway, footpath and public transport improvements.
- Off road parking facilities in surrounding housing estates.
- New pedestrian crossings on the surrounding road network.
- Improvements to Tir Eynon Park to provide a new park and multi-use games area (MUGA).

- Improvements to library facilities.

County Councillor D Cundy is the local member for the neighbouring Bynea Ward and has raised the following issues of concern:-

- Loss of flood plain and flooding impact upon Bynea/Llwynhendy.
- Increased traffic through Bynea.
- Lack of education infrastructure.
- Impact upon flora and fauna including water voles and otters.
- Adverse impact upon Wildfowl and Wetland Centre environs.
- The need for adequate parking.

**The Coal Authority** – Have confirmed that they are satisfied with the findings of the Ground Conditions Desk Study Report submitted with the application and have raised no objection subject to the imposition of a suitable condition on any permission granted securing the submission of intrusive site investigations of potential former coal mine workings within the site and the implementation of any necessary remedial measures as part of the development.

**Dwr Cymru/Welsh Water** – Have examined the drainage proposals submitted with the application and confirmed that they have no objection subject to the imposition of suitable conditions.

**Natural Resources Wales (NRW)** - Has raised no objection to the application subject to the imposition of suitable conditions.

**Public Rights of Way** – Has raised no objection to the application and draws reference to drainage problems along the footpath to the south of the site.

**Health and Safety Executive** – Has raised no objection to the application.

**Dyfed Archaeological Trust** – Has raised no objection to the application.

**Neighbours/Public** – The application has been publicised with the posting of a number of site notices within the vicinity of the site and the publication of a notice in the local newspaper. Subsequent amendments to the development as part of the application process and the submission of additional supporting information by the applicant, also required further re-consultation exercises, whereby further site notices were posted and an additional press notice published in the newspaper.

As a result of these publicity exercises, fourteen third party letters of representation have been received from neighbouring residents who object to the application. The objections are summarised below:-

- Flooding.
- Detrimental impact upon highway safety.
- Unacceptably high density and out of keeping with character of the area.
- Impact upon existing schools and health facilities.
- Foul and surface water impacts.
- Concerns regarding flora and fauna within the site.
- Impact upon neighbours by way of noise, disturbance, overlooking and overshadowing.



- Loss of existing views and impact upon landscape.
- Adverse impact upon Wildfowl and Wetland Centre environs.
- Footpaths neighbouring the site currently flood and the development should mitigate existing surface water flooding and improve the drainage of the area.
- Inappropriate location in terms of access to local services, transport and utility services and public amenity.
- Foul sewage flows to the River Loughor and Burry Estuary.
- The layout of development shown with 3 storey houses will result in an imposing development that will overlook neighbouring properties and be out of character with the area.
- Layout of development will affect the trees bordering the site.
- Previous application was the subject of an EIA relating to the impact upon the Burry Estuary.
- Ground contamination and old mine workings in the site.

## RELEVANT PLANNING HISTORY

The following previous applications are of relevance to the proposal:-

S/15581	Residential development together with associated highway and junction improvements, car parking and servicing, open space and landscaping, and other ancillary uses and activities Withdrawn	6 June 2014
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## APPRAISAL

**This is an application in which Carmarthenshire County Council has an interest insofar as the highway verge within the site is within the ownership of the Council.**

## THE SITE

The application site consists of a roughly square shaped parcel of land located at the southern end of Maes-Ar-Ddafen Road in Cefncaeau, Llwynhendy. It covers an area of approximately 2.1 hectares consisting mainly of improved horse grazed grassland with scattered areas of scrub and trees. The land slopes down gently towards its southern boundary which is contiguous with a public footpath. It has a frontage onto Maes-Ar-Ddafen Road which is currently closed off to traffic and separates the site from the Parc y Scarlets Stadium which is located immediately to the north west.

The properties of Heol Hen are located to the south east of the site being separated from the land by a belt of mature trees and hedgerows. The land to the north previously consisted of Ysgol yr Ynys primary school which has since been demolished and is now derelict consisting of hardstanding areas and marshy grassland.

The A484 is located beyond the footway to the south of the site being set on an embankment above the site and flanked by trees and hedgerows. The Tata Steel Works are located beyond the A484. Pemberton Retail Park is located to the west of the site and the neighbouring stadium while the land to the south east, beyond Heol Hen, is characterised by a number of large field enclosures that flank the northern side of the A484.

The surrounding residential areas of Cefncaeau to the north and east of the site consist of high density former local authority housing estates that are characterised by terraced and semi-detached houses. These include the Ynys-las, Bro-wen and Tir Einon estates. There are a small number large detached properties located along southern end of Heol Hen to the south east of the site with an existing playground and recreation area beyond these.

## **THE PROPOSAL**

The application seeks outline planning permission for residential development of up to 94 dwellings on the site together with associated access, landscaping, drainage and infrastructure works. All detailed matters relating to the development have been reserved for future consideration and, as such, the application seeks to establish the principle of the development of the site.

It is of note that the original application included a further separate parcel of land measuring 7.8 hectares in area to the east of Heol Hen and north of the A484 which was also to be developed for residential purposes. Both parcels were to accommodate up to 280 dwellings, however, the larger parcel was subsequently omitted from the application following concerns raised by NRW regarding the risks of flooding to this land.

The applicant has provided a schematic layout plan of the development for illustrative purposes to demonstrate how the site could be developed in an acceptable manner. The site is shown to be accessed from Maes-Ar-Ddafen Road with the access being created opposite the stadium. The primary access road forms a loop within the development with secondary and shared surface streets leading to the development and individual dwellings. The residential units are set around the site boundaries and roadway with a mixed density and massing allowing a transition between the scale of the neighbouring stadium and residential areas. The scheme shows a central core wherein units have a dual frontage overlooking the street and generous area of open space. The units in the western and central parts of the site, closest to the stadium, are shown to be up to three storeys in height while those to the east are to be reduced to up to 2.5 storeys to reflect the scale of the neighbouring residential properties of Heol Hen. The density of the site will be between 40 and 55 dwellings per hectare.

Parking within the scheme will consist of driveways set predominantly to the side of the units with garages also set behind the building line. The layout will aid in reducing the visual dominance of cars and provide a more pleasant and aesthetically pleasing streetscape.

The existing trees and hedgerows along the site's boundaries are to be retained as part of the development with new landscaping and planting frameworks being provided throughout the development layout. Moreover, the scheme incorporates a pedestrian access to the existing public footpath to the south of the site

The application has been accompanied by a range of supporting information which include the following:-

- Design and Access Statement
- Transport Assessment
- Flood Consequence Assessment and Drainage Strategy.
- Ground Conditions Desk Study
- Noise Assessment
- Ecological Appraisal and Arboricultural Assessment

- Archaeological and Heritage Assessment
- Air Quality Assessment

The transport assessment considers the highway impacts of the development upon the surrounding road network in terms of both capacity and safety. It concludes that the access to the development via Maes-Ar-Ddafen will cause no unacceptable highway impacts while the scale of the development will have negligible effect on surrounding highway junctions. The assessment also confirms that the site is in a sustainable location being situated close to key local facilities and amenities as well as existing sustainable transport infrastructure.

The flood consequence assessment confirms that the site falls within zone A of the development advice maps contained in TAN15 whereby it is not affected by fluvial or tidal flooding. The drainage strategy sets out a strategy to dispose of surface water from the development to an existing watercourse to the south east of the site via a gravity piped system that will include a below ground cellular attenuated system and swale or basin feature above to allow for a 1 in 30 year rainfall event and an allowance for climate change. The water will be piped along the existing public footpath to an outfall into the watercourse with the discharge being restricted to Greenfield rates.

Foul water from the development will be discharged to the existing public sewer in the south eastern corner of the site. The application is also accompanied by a scheme of surface water removal from the combined public sewer that will provide betterment to the network by removing a volume of surface water from the system greater than that generated by the development itself. The scheme centres around Maestir in Llanerch Llanelli where surface water run-off from the roadway, footways and roofs of existing properties, which cover a combined impermeable area of 3,966 square metres, will be diverted from the public sewer and discharge directly to nearby River Lliedi via a new outfall headwall.

The scheme is in compliance with the requirements and objectives of the Memorandum of Understanding (MOU) which sets out the partnership approach between Carmarthenshire County Council, the City and County of Swansea, Natural Resources Wales and Welsh Water to improve and safeguard the environmental quality of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet and, Burry Inlet Special Protected Area (SPA) and Burry Inlet Ramsar, collectively known as the Carmarthen Bay and Estuaries European Marine Site (CBEEMS).

The ecological appraisal confirms that the site is considered to be of negligible ecological value. The trees present around the site are considered to be of ecological value and are therefore to be retained as part of the development. It highlights that the loss of scrub and trees in the north western corner of the site will be mitigated for through the creation and enhancement of existing landscape features.

The noise assessment confirms that the noise impact upon the new dwellings from the neighbouring Stadium and Tata Steel Works would not be significant so as to unacceptably harm the amenity of the occupiers. Moreover, it advises that mitigation in the form of acoustic double glazing and boundary measures to those elevations and gardens facing the A484 to the south of the site will provide an acceptable level of residential amenity to the occupiers.

The ground conditions study recognises the presence of a historic landfill site and the potential for coal workings beneath the site and therefore recommends an intrusive site investigation be undertaken to confirm existing ground conditions and any contamination.

The air quality assessment confirms that the proposal will have no unacceptable air quality impacts while the archaeological and heritage assessment concludes that the development will not result in any harm to the historic environment.

## **Community Benefits**

The applicants have agreed to enter into a Section 106 Agreement that will secure the following level of community benefits as part of the development. The precise level of contributions have been agreed following negotiations and discussions with officers of this Department as well as the relevant service providers of the Authority.

- 1 **Affordable Housing** - A total of 20% of the units proposed are to be 'affordable'. On the basis of a scheme of 94 units this would equate to 19 new affordable dwellings being provided as part of the development. The precise type, mix and tenure of the units are to be agreed with the Authority as part of any subsequent reserved matters application.
- 2 **Play Facilities/Open Space** - A financial contribution of £173,000 towards the improvement of the existing play and open space facilities Tir Eynon Park.
- 3 **Education Facilities** – A commuted sum towards the provision/improvement of educational facilities within the local primary and secondary catchment schools which will be calculated on the basis of the Authority's Supplementary Planning Guidance formula, the number of units proposed and the current capacity of the relevant catchment schools. Based on a development of 94 units and the current capacities of the relevant catchment schools, this would equate to a contribution of £108,500.
- 4 **Highway Improvements** – A commuted payment of £75,000 towards the improvement of Active Travel Routes in the surrounding area. This will include, amongst others, the improvement of pedestrian and cycle routes and the provision of a pedestrian crossing on Llwynhendy Road to the north of the application site.

## **PLANNING POLICY**

### **Local Development Plan (LDP)**

In the context of the Authority's current Development Plan the application site is located within the development limits of Llanelli as defined in the adopted LDP. The site forms part of a larger area of land designated as a housing allocation in the Plan which includes the neighbouring derelict site of the former Ysgol yr Ynys School to the north and the large parcel of land to the east of Heol Hen which originally formed part of the application. Housing allocation reference GA2/H35 refers. The overall housing allocation is identified as accommodating 300 dwellings under Policy H1, however, this figure is indicative for the purposes of the Plan.

Reference is drawn to the following policies of the Plan which are of relevance to the proposal.

In terms of the Plan's strategic policy context, Policy SP1 promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP2 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 identifies Llanelli as being one of three Growth Areas within the Plan's Settlement Framework for the County which reflects their high population levels and the availability of an extensive range of services and facilities in the strategic context. The settlements are well served by facilities that are vital to support sustainability being on sustainable transport routes and are therefore capable of accommodating a proportionally higher level of growth and development.

Policy SP5 allocates sufficient land for 15,778 new dwellings within the Plan area in accordance with the Settlement Framework with a high proportion (8,333) of these dwellings being directed towards the Growth Areas.

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

Policy SP14 requires 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 states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP1 is a general policy which, amongst others, 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. Developments should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

Policy GP2 permits proposals within defined development limits subject to the policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations or to contribute via the Community Infrastructure Levy to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. It goes on to state that the Council will seek a level of affordable housing of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub market areas. The application site falls within the 20% viability area.

Policy AH2 permits proposals for 100% affordable housing on sites immediately adjacent to the development limits of defined settlements in circumstances where, amongst others, it represents a logical extension to the development limits and is of a scale appropriate to and in keeping with the character of the settlement. The benefits of the affordability of the

dwellings must also be retained for subsequent occupants while the size, scale and design of the houses must be compatible with an affordable dwelling.

Policy GP4 states that proposals 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 H1 allocates land for residential development for the plan period to 2021.

Policy TR2 requires 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 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Reference is also made to the need to meet required access and parking standards as well as promoting the interests of pedestrians, cyclists and public transport as part of proposals.

Policy EQ4 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 in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 permits proposals where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters.

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

Policy EP3 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. Furthermore, Policy EP6 states that in areas where land instability is known, proposals must be accompanied by a scoping report to ascertain the nature of the instability.

Policy REC2 requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards. Policy REC3 makes provision for new open space proposals within the Plan area.

## **National Planning Policy**

Planning Policy Wales (PPW) (Edition 10, November 2018) provides a national overview of planning policy on a wide range of issues relevant to the proposed development.

It highlights the need to provide a range and choice of housing to respond to changes in household need and that the provision of quality housing with access to services, green spaces and community facilities helps to create the right conditions for better health and well-being. Furthermore, it advocates locating new housing within existing settlements to allow people to travel to places of employment, retailing and other community services by walking, cycling or public transport.

The document refers to the need for new housing in both urban and rural areas to include a mix of market and affordable house types, tenures and sizes to cater for a range of identified housing needs and contribute to the development of sustainable and cohesive communities. It highlights that a community's need for affordable housing must be taken into consideration in determining planning applications.

PPW is supplemented by a continually updated series of Technical Advice Notes (TANs). The following TANs are relevant in the consideration of this application:

TAN 2 (Planning and Affordable Housing) provides guidance on the role of the planning system in delivering affordable housing.

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

TAN 12 (Design) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

TAN 15 (Development and Flood Risk) aims to direct new development away from those areas that are at high risk of flooding and 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.

TAN 18 (Transport) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

TAN 20 (The Welsh Language) provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. In essence, the TAN advises that planning applications should not 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.

## **THIRD PARTY REPRESENTATIONS**

The application has attracted a number of objections from local residents while the local members and Llanelli Rural Council have also raised concerns regarding the development. It is of note that the majority of the third party representations from local residents were received in respect of the original proposal for up to 280 dwellings with only two having been

received in respect of the revised scheme now proposed. The issues raised are addressed in the following appraisal.

A common ground for concern amongst respondents is that the existing highway network in the surrounding area is inadequate to safely accommodate the additional traffic generated by the development. A number have referred to the need for adequate parking within the development while County Councillor S Davies and the Rural Council have requested improvements to pedestrian, parking and public transport facilities in the local area if the Authority are minded to grant planning permission.

The Head of Highways and Transport has assessed the application and the findings of the transport assessment and confirmed that he has no objection from a highway capacity or safety perspective. He is satisfied that the likely additional traffic can be safely accommodated on the local highway network serving the site and surrounding residential area. Notwithstanding this, he does identify improvements that are required to the Authority's Active Travel routes in the local area in order to improve the sustainable linkages from the site to the surrounding area and its associated services and facilities. These include the need to improve pedestrian and cycling routes within the vicinity of the site and Pemberton and Trostre Retail Parks as well as providing a new pedestrian crossing across Llwynhendy Road to provide a safer route to the local schools and community hall.

The applicant has agreed to pay a financial contribution of £75,000 towards these improvements which will be secured via a Section 106 Agreement. Although the respondents have sought other highway improvements as part of the development such as the provision of new parking in neighbouring housing estates and additional public transport facilities, these aren't considered reasonable or necessary for the purposes of the development whereby they would not meet the relevant tests for planning obligations. There are existing public transport facilities within a short walking distance of the site while it is not reasonable to require that the applicant address any perceived parking problems that may exist in neighbouring housing estates. Matters relating to parking within the development itself will be assessed as part of consideration of any subsequent reserved matters application.

The proposal is therefore considered to be in compliance with Policies SP1, SP3, SP9, GP1, and TR3 of the LDP in terms of its sustainability and highway impacts upon the surrounding area.

A further ground for concern relates to the drainage of the development while many are of the perception that the site is an area at risk from flooding and should not be developed. In terms of the latter, the site is located within zone A of the development advice maps contained in TAN15 whereby it is not affected by fluvial or tidal flooding. Whilst there are localised drainage problems along the footpath to the south of the site, this is a matter that could be considered as part of the detailed design of the development.

NRW and our land drainage officer have both raised no objection to the application from a flooding perspective. The latter has also confirmed his acceptance of the surface water drainage strategy proposed in that it will provide a sustainable means of disposal ensuring that no surface water will enter the public sewerage system and no detriment will be caused to neighbouring occupiers and landowners.



Turning to foul drainage, Welsh Water have raised no objection to the applicants' proposal to discharge foul water into the existing public sewer within the site. The surface water removal scheme proposed as part of the development will remove surface water run-off from an impermeable area of 3,966 square metres from the combined public sewer which is equivalent to the foul flows from 440 dwellings. This will equate to almost four and half times the volume of foul flows from the development being removed from the system which will provide substantial betterment to the combined sewer network in terms of its hydraulic capacity in accordance with the objectives of the MOU. This will safeguard against any detriment to the environmental quality of the CBEEMS.

In accordance with the requirements of the Conservation of Habitats and Species Regulations 2017, the Authority has undertaken an Appropriate Assessment of the impact of the development upon the CBEEMS. The Assessment concludes that, with the mitigation measures detailed in this report and secured by the conditions below, the development will not have a significant effect upon or undermine the conservation status of the CBEEMS. NRW have confirmed their acceptance of the findings of the Appropriate Assessment and raised no objection to the application.

The permission granted will be conditioned to require the submission and approval of the detailed design of the foul and surface water drainage scheme prior to the commencement as well as securing the betterment to the public sewerage system. The proposal is therefore in accord with the objectives of policies EP2 and EP3 of the LDP in that it will dispose of foul and surface water in an acceptable and sustainable manner without causing unacceptable harm to the wider environment.

Turning to concerns regarding the density of the development and the impact upon the character and appearance of the surrounding area. Whilst matters relating to the detailed layout and design of the scheme have been reserved for future consideration, it is considered that a development of the scale and density proposed can be accommodated within the site without compromising the quality of the scheme or detracting from the visual amenity and spatial character of the surrounding area. The site is bounded by stadium and housing developments to the west and east respectively and by the A484 to the south. The surrounding area is characterised by high density housing and the proposal will represent a logical extension to this existing urban form being in keeping with the prevailing pattern of development. Moreover, it is not considered that a mix of two to three storey housing will be harmful within the context of the scale and appearance of existing developments.

The site is well contained by mature hedgerows and trees along its perimeter, the retention of which combined with the careful siting and design of the units, will safeguard against any unacceptable material harm to local residents in terms of loss of residential amenity. A development scheme with a suitable design and layout combined with hard and soft landscaping and areas of open space, as depicted in the indicative layout plan, will respond well to the site's setting in the wider area as well as creating a sense of place.

The proposal is therefore in accord with the objectives of policies SP1, H2 and GP1 of the LDP in terms of its impact upon the surrounding area.

A number of respondents have concerns regarding the impact of the development upon local services and facilities such as schools and health facilities and question whether sufficient capacity exists to accommodate the development. The development will be well related to the services and facilities available in Llwynhendy as well as benefiting from good levels of accessibility to public transport facilities and the higher order facilities available in

the wider Llanelli area. The applicant will make a financial contribution towards the improvement of facilities within the local catchment schools and it is not envisaged that the range of health care services available in the wider area including doctor's surgeries and hospital facilities will be adversely affected by a development of the scale proposed. In this regard, the proposal is in accord with the requirements of Policy GP3 and SP1 of the LDP.

In terms of the respondents' wildlife and habitat concerns, the ecological appraisal confirms that the site is of low ecological value and the Authority's Planning Ecologist and NRW concur with its conclusions. They've both raised no objection to the proposal subject to the imposition of suitable conditions which secure, amongst others, the retention of the existing boundary trees and the implementation of a Landscape Ecological Management Plan as part of the development. The permission will be conditioned in accordance with their advice in the interest of complying with the ecological objectives of Policy EQ4 of the LDP.

Matters relating to ground contamination and mine workings within the site have been considered by NRW and the Coal Authority in their assessment of the proposal. NRW have recommended the imposition of suitable conditions on any permission securing a scheme of ground investigations and any necessary remediation measures as part of the development given the site's location on a former landfill. The Coal Authority have followed the same approach with regard to potential mine workings below the site. The permission granted will be conditioned in accordance with their advice.

The Authority's Head of Public Protection has raised no objection to the proposal from an air quality while concerns relating to the loss of existing views are not material in the consideration of the application.

Finally, as to requests to improve existing community facilities in the local area, members will have noted above that the applicant will make a financial contribution of £173,00 towards the improvement of existing facilities in the nearby park at Tir Einon which is located a short walking distance to the south east of the site. This will enable the existing play facilities to be improved whilst also providing a new multi-use games area facility for local children. The respondents' request to improve existing library facilities is not considered to be reasonable or directly related to the development. Notwithstanding this, members will have noted that the development will contribute to the improvement of existing educational facilities in the local catchment schools.

## **CONCLUSION**

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the principle of the residential development of the site is considered to be acceptable. The site is allocated for housing purposes and its development complies with the key policy and sustainability objectives of the Authority's LDP and national planning policy.

The site is well integrated with the existing pattern of development in Llwynhendy and is capable of accommodating a development of the scale and density proposed without compromising the quality of the scheme or detracting from the character and appearance of the surrounding area. The development will provide a wide range and choice of housing types and sizes which will be well related to the existing services and facilities in the wider Llanelli area as well as being within easy access of a variety of sustainable modes of transport. It will also contribute to the improvement of educational, open space and

pedestrian and cycling facilities in the surrounding area. The level of contributions secured are considered to be commensurate with the scale and nature of the development.

In addition, the development satisfies the sustainability requirements of the LDP from an environmental quality and utility provision perspective by implementing a drainage strategy that will dispose of foul and surface water in a sustainable and controlled manner as well as providing betterment to the capacity of the public sewerage system. Furthermore, and as outlined in the appraisal above, there are no highway, amenity, or ecological objections to the development.

The application is therefore put forward with a favourable recommendation subject to successful completion of a Section 106 Agreement securing the community benefits referred to above.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission hereby granted relates to the land defined by the location plan contained in drawing no. 1003 received on 2<sup>nd</sup> October 2018.
- 2 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 3 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 4 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 5 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a programme of implementation of the scheme and shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.
- 6 No development shall commence until details of the design and implementation of the scheme of surface water removal from the public sewerage system, as set out in the Addendum to FCA /Drainage Strategy dated June 2018 and received on 25<sup>th</sup> June 2018 and accompanying surface water removal detail (aerial photograph) received on 13<sup>th</sup> February 2019, have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and to the written approval of the Local Planning Authority prior to the occupation of any of the residential units hereby approved.
- 7 No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. Such details are to form part of any Reserved Matters

application for the site and the development shall be carried out in accordance with the approved details.

- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- (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 (1) 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 (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.
  - (d) 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.

- 9 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.
- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 12 No 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.
- 13 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.
- 14 No development shall take place until an intrusive site investigation for mine entries shallow coal workings and gas monitoring has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the intrusive site investigation shall be submitted to the Local Planning Authority prior to the commencement of the development. In the event that the site investigation confirm that remedial works are required, a scheme specifying the measures to be taken to remediate the site shall be submitted to and approved in writing by the Local Planning Authority. The remedial measures shall be carried out prior to the commencement of the development in accordance with the approved details.
- 15 No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP must include:
  - Construction methods: details of materials used in construction; details of how waste generated will be managed.
  - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage site set-up plan detailing how sensitive receptors will be protected from harm e.g. fencing, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
  - Biodiversity Management during construction: details of habitat retention and protection; invasive species management; species and habitat protection, avoidance and mitigation measures (as detailed with the Ecology reports).
  - Soil Management: details of topsoil strip, storage and amelioration for re-use.
  - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill.
- Resource Management: details of fuel and chemical site storage and containment; details of waste generation and its management; details of the consumption of water, wastewater and energy use.
- Traffic Management: details of site deliveries access points, storage and use of plant on site; details of wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities set out in the CEMP and emergency contact details. For example, contract manager, site manager, contractors, visitors, site environmental advisor, landscape clerk and ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented in accordance with the approved details.

16 No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features for the development, has been submitted to and approved by the Local Planning Authority. The LEMP shall include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site.
- Details of the desired conditions of features (present and to be created) at the site.
- Details of scheduling and timings of activities.
- Details of short and long-term management proposals, monitoring proposals and maintenance operations of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired landscape and ecological conditions and functions.
- Details of monitoring of landscape and ecological features and required post construction monitoring.
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within the lifetime of the development.
- Details of management and maintenance responsibilities.

- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed between interested parties.
- Mechanisms to be used for reporting.
- The LEMP must deliver all mitigation and enhancement requirements for the operational phase as referenced in the ecology reports and associated documents.

The LEMP shall be carried out in accordance with the approved details.

- 17 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 13:00 and not at all on Sundays, Bank or Public Holidays.

## **REASONS**

- 1 For the avoidance of doubt as to the extent of this permission.
- 2+3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990
- 4 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
- 5 To ensure the development is drained in a sustainable and acceptable manner.
- 6 To protect the existing community and the environment from the adverse effects of sewage flooding.
- 7 In the interests of visual amenity.
- 8 Controlled waters at this site are of high environmental sensitivity, being on Secondary A Aquifer and contamination is known at the site due to its previous use as a landfill.
- 9+10 To demonstrate and ensure that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality.
- 11 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.
- 12 There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 13 There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

- 14 To ensure any ground instability issues are dealt with in an acceptable manner.
- 15 To prevent the pollution of the environment.
- 16 In the interests of visual amenity and to safeguard and enhance existing features of landscape and biodiversity value.
- 17 In the interest of safeguarding 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.

- The proposed development complies with Policies SP1, SP3 and GP1 of the LDP in that it consists of a sustainable form of development that is appropriate in scale and design to the existing urban form of the area and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policy H1 and H2 of the LDP in that it is allocated for residential development purposes within the Plan. Furthermore, the proposal is in accord with policies AH1 and AH2 of the LDP in that it will provide a proportion of affordable housing.
- The proposed development complies with Policies SP9, GP1 & TR3 of the LDP in that the proposal is located in a sustainable location and will not be detrimental to highway safety.
- The proposed development complies with policies EQ4, EP2 and EP3 of the LDP in that it will not result in any unacceptable ecology, flooding or pollution impacts.
- The proposed development complies with policy GP4 in that it will be served by infrastructure that is adequate to meet the needs of the development.
- The proposed development complies with policies GP3, REC2 and REC3 of the LDP in that provision is to be made for improvements to open space, education and pedestrian and cycling facilities in area.

## **NOTES**

- 1 The applicant/developer is advised that this permission is granted subject to the completion of a Section 106 Agreement securing a proportion of affordable housing as well as commuted payments towards the improvement of education, open space and pedestrian/cycling facilities as part of the development.
- 2 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.



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.

<b>Application No</b>	<b>S/38166</b>
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<b>Application Type</b>	Variation of Planning Condition(s)
<b>Proposal &amp; Location</b>	VARIATION OF CONDITION 5 (OPENING HOURS) OF CONSENT GW/00362 - GYMNASIUM AND FITNESS CENTRE, GRANTED 27/02/2002 - TO EXTEND THE OPENING HOURS BY ONE HOUR FROM 7.00 AM TO OPEN AT 6.00 AM AT EVOLUTION HEALTH & FITNESS CENTRE, HEOL NANTYREOS, CROSS HANDS, LLANELLI, SA14 6RJ

<b>Applicant(s)</b>	MR MATHEW WILLIAMS, SWN Y DAIL, 87A BLACK LION ROAD, GORSLAS, LLANELLI, SA14 6RU
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Llannon
<b>Date of validation</b>	18/12/2018

## CONSULTATIONS

**Head of Public Protection (Noise)** – Has visited the site and states that when the windows are closed, no public nuisance is evident. A noise management plan is recommended to formalize the applicant's stated noise measures.

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

**Local Members** – County Councillor D Jones is a member of the Planning Committee and has not made prior comment. County Councillor E Dole has not commented to date.

**Neighbours/Public** - The application has been advertised by 2no. site notices with 2no. replies having been received as a result raising the following matters:-

- noise;
- traffic;
- the premises already opens at 6.30am.

## RELEVANT PLANNING HISTORY

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

S/30842	A single storey lean-to extension to the existing building of Evolution Heath Fitness Centre. Full planning permission	11 November 2014
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S/23661	Extension to side of existing building for use as additional space to fitness centre. Full planning permission	15 October 2010
GW/0362	Gymnasium and Fitness Centre. Full planning permission	27 February 2002
S/00175.	Business use with ancillary parking. Full planning permission	14 October 1996

## **APPRAISAL**

### **THE SITE**

The site is an existing health and fitness centre within Cross Hands. The original premises was approved in 2002 and has been extended twice since then. The unit is situated fronting onto Heol Nant yr Eos that serves a small number of commercial premises. The site is allocated for employment, however other uses on the street include an Aldi, the travel lodge and Starbucks so the use as a gym is appropriate.

The site has a car park on both sides of the entrance and a circulatory roadway. The applicants own a further piece of land between the site and the office development to the South East.

The site has residential properties to the front set at a distance of approximately 61m at the closest, and the A48 trunk road to the rear beyond which is the Cross Hands Business Park.

The gym advertises that it is open from 6.30am so is currently in breach of the condition which states that the premises shall not be open before 7am.

### **THE PROPOSAL**

The application seeks a variation of condition to allow an earlier start time of 6am rather than the 7am as conditioned on the original planning permission (GW/0362). The earlier start is sought to allow early fitness classes that people can attend before work.

The applicant states that the proposal will be accompanied by the installation of air conditioning to avoid the necessity to open windows and thus reduce the likelihood of noise complaints. The air conditioning units themselves are considered *de minimis* so would not require permission.

### **PLANNING POLICY**

In the context of the current development control policy framework the site is within the settlement development limits of Cross Hands as defined in the adopted Carmarthenshire Local Development Plan (LDP) 2014.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles.

Policy GP1 Sustainability and High Quality Design provides a list of criteria which demonstrates principles of good design to ensure that development is appropriate to the character of the area and would not have a significant impact on third parties.

Policy TR3 Highways in Developments - Design Considerations, sets out the requirements for development to be situated in a suitable location and incorporate appropriate parking, access and sustainable transport features.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 10 – December 2018 and TAN12 provides design guidance.

PPW10 provides an emphasis on wellbeing. Physical exercise is a key element of wellbeing, however this is balanced by the wellbeing and quality of life of third parties.

### **THIRD PARTY REPRESENTATIONS**

There have been noise complaints from neighbours that loud music is played with windows open early in the morning. The Council's Public Protection Officer has confirmed that complaints have been received. The impact at 6.00am is likely to be similar to 6.30am which has been subject to complaints and has been subject to visits by the public protection team. It was noted that with the windows closed, the music was not a nuisance at the nearest residential units.

Clients are said to arrive by car prior to 7.00am without being able to enter the site, causing noise for local residents from queuing vehicles. A set of gates are present but they were open at the time of the officer's site visit during the day. The opening of the car park is a management issue for the gym and it is difficult to control cars on a public highway, however, the timing is material as the permission was conditioned to commence at 7.00am. The noise management plan states that the gates will be opened at 5.45, some 15 minutes before opening to avoid queuing vehicles.

The premises is said to already open at 6.30am, and advertises as such. Any opening before 7.00am is not within the original permission and is therefore unauthorized. The proposed variation seeks to extend the hours to 6.00am which would allow an earlier time than currently operating and regularize the breach of condition. The application is retrospective in part so the impacts can be assessed.

### **CONCLUSION**

After careful consideration of the proposal in light of representations received to date, it is considered that the proposal to extend the opening times of the existing Health and Fitness Centre is not likely to result in unacceptable loss of amenity to third parties due to the noise management plan which will impose controls over the use which are not currently imposed. It is noted that the applicant is installing additional air conditioning so there will be no need to open windows and that with the windows closed, the music is not considered a nuisance. It is further noted that the premises is set within the backdrop of the A48 Trunk Road and the Business Park beyond, so the general background noise is relatively high in any event. The proposal is within a mixed use employment and residential area and is the expansion of an existing premises, therefore it is considered that the proposed extension of opening hours is not likely to have an unacceptable adverse impact and is in accordance with the above policies.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 18<sup>th</sup> December 2018.
- 2 The development hereby permitted is shall be carried out on the site identified on the following schedule of plans dated 7<sup>th</sup> December 2019:-
  - 1:500 scale Block Plan Drawing No. 0001;
  - 1:1250 scale Location Plan Drawing No. 0002.
- 3 The use hereby permitted shall not be open to customers outside the following times 6.00am to 10.30pm.
- 4 The premise shall operate strictly in accordance with the submitted noise management scheme dated 20<sup>th</sup> February 2019.

### **REASONS**

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2 For the avoidance of doubt.
- 3-4 In the interests of public protection.

### **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.

- The proposed development complies with Policy SP1 & GP1 of the LDP in that it is an existing fitness centre within the settlement development limits of Crosshands. The proposed extension to the opening hours is not likely to cause an unacceptable impact on third parties.

### **NOTES**

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

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

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

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

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

<b>Application No</b>	<b>S/38288</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED DEMOLITION OF EXISTING SCHOOL BUILDING AND REDEVELOPMENT OF SITE TO PROVIDE NEW 270 PLACE ENGLISH MEDIUM PRIMARY SCHOOL WITH 30 PLACE NURSERY AND UP TO 23 FULL TIME PLACES FOR EARLY YEARS (WRAP AROUND CARE) PROVISION WITH CAR PARK, SPORTS PITCH, MUGA AND ASSOCIATED LANDSCAPING & INFRASTRUCTURE WORKS AT YSGOL Y CASTELL, PRIORY STREET, KIDWELLY, SA17 4TR

<b>Applicant(s)</b>	PROPERTY DESIGN & PROJECTS MANAGER -HYWEL HARRIES, BLOCK 3, PARC MYRRDIN, RICHMOND TERRACE, CARMARTHEN, SA31 1HQ
<b>Agent</b>	ASBRI PLANNING - MR RICHARD BOWEN, SUITE D, 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Kidwelly
<b>Date of validation</b>	11/01/2019

## CONSULTATION

**Head of Transport** – Has queries regarding the details of the scheme. These are being considered and a final response along with conditions will be reported in the addendum. It should be noted that the highway works are outside the application site and are subject to separate procedures by the County Council as highway authority.

**Head of Public Protection** – Has no objection subject to the imposition of appropriate conditions.

**Head of Technical Services (Drainage)** – Has some queries regarding the surface water calculations. The information has been requested and the final consultation response will be reported in the addendum.

**Kidwelly Town Council** – Has not commented to date

**Local Member** - County Councillor J Gilasbey is a member of Planning Committee and has not commented to date.

**Dwr Cymru/Welsh Water** – Has no objection to the proposed development provided there is no development within the easement of the sewers crossing the site.

**Natural Resources Wales** – Has no objection to the proposed development.

**Neighbours/Public** – The application has been advertised by way of Press and 3no. Site Notices with 5no. representations received to date not objecting to a new school being built but raising the following matters:-

- Layout/orientation;
- Proximity to the road;
- Detailed design;
  - two storey height;
  - modern design;
  - materials;
- Amenity;
  - overshadowing/loss of light;
  - loss of privacy;
- Future proofing - pupil numbers too low;
- Highway safety;
  - parking;
  - loss of resident parking;
  - three access points;
  - drop off point is not acceptable;
  - traffic calming;
  - buses;
- Loss of view.

## **RELEVANT PLANNING HISTORY**

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

S/28739	Provision of parent waiting shelter within school grounds Full planning permission	20 September 2013
S/25161	Proposed relocation of a double temporary mobile classroom unit Full planning permission	30 August 2011
S/24342	Security fencing Full planning permission	31 March 2011
D5/2466	New nursery unit (detail) Full planning permission	15 September 1997
D5/2918	Mobile classroom (detail) Full planning permission	18 May 1978



D5/848	New CP School (detail) Full planning permission	28 July 1975
D5/44	New CP School Full planning permission	09 September 1974

## **APPRAISAL**

### **THE SITE**

The site is an existing English medium school within the settlement limits of Kidwelly. The existing school was built in the 1970s so is relatively modern in terms of the design and appearance. The school is currently a mix of mono-pitch elements and flat roof sections with a painted render appearance. The school is however not up to modern space standards so is considered to be of poor quality. A portacabin was approved in 2011 to take the pressure off the main school. The replacement of the school is therefore part of the Council's Modernising Education Programme.

The site has a frontage onto Priory Street, with the main pedestrian entrance currently opposite No. 60 & 64 Priory Street the site has a staff car park and vehicular access opposite No. 56 Priory Street but no off-site parking for parents. The rest of the frontage is currently occupied by the school playing field.

The site has an agricultural field to the East with Gwendraeth Town beyond and the Catholic Church to the West. The land to the South is allocated for housing in the Local Development Plan, separated from the site by a mature hedge of trees. There are residential properties on the opposite side of Priory Street to the North, set at the back of the pavement with little or no front gardens.

### **THE PROPOSAL**

The application seeks full permission for the demolition of the existing primary school and redevelopment of the site for a 270 space new school with additional 30 place nursery and 23 place "wrap around" early years centre, along with associated new access, parking, landscaping, playing pitch, MUGA outdoor teaching spaces etc.

The school is designed along high quality Passivhaus principles and BREEAM 'Excellent' standards. Passivhaus is an international standard which seeks to achieve energy efficiency and reduce energy consumption through careful design and has been used at the nearby Trimsaran replacement school. The aim is to reduce running costs but achieve this with little or no additional capital cost.

The main school is a two storey block and takes advantage of the south facing orientation of the rear of the site by having the majority of the fenestration at the rear including high level windows to provide natural light into the central communal area. The external appearance is proposed to be a high quality contemporary design with use made of vertical timber and brick with a high degree of fenestration in order to achieve Passivhaus energy efficiency standards. A zinc standing seam roof is proposed.

The main school access is onto Priory Street with a new 74 space car park proposed for staff and visitors to use at pick up / drop off. 39 of the spaces are proposed to be dedicated to staff, 3 visitors and 32 for parent pick up and drop off. The car park is circulatory for dropping off pupils along with a lay by on Priory Street for pick up / drop off. A secondary access is proposed to the west of the school for servicing the kitchen and provide 3 parking spaces for catering staff. The quantum of parking for parents off street in addition to staff parking would be a significant benefit for highway safety and the through flow of traffic on Priory Street. It is noted that the school has a bus layby and a bus stop within its frontage. The school is also within 1km walking distance of the majority of the town so the sustainability and active travel opportunities are excellent. A comprehensive transport assessment has been submitted in support of the planning application which sets out the capacity of the local roads to accommodate the traffic and analyses the current patterns based on staff and pupil addresses. It should be noted that the school is replacing an existing, so the additional parking and circulation off street will be a significant improvement over the existing arrangements.

The scheme has been designed so that the existing school can be retained during construction and thereafter the existing school is proposed to be demolished to make way for the parking and outdoor Multi Use Games area and playing field. This has been designed so that there is no disruption in the operation of the school.

Existing trees and vegetation to the front of the school will need to be removed to form the access and parking, however this is replaced by a comprehensive landscaping scheme. The boundary planting is proposed to be retained and a detailed boundary plan has been submitted to show the final boundary treatment.

The school has carried out a pre-application public consultation (PAC) exercise with the aim to inform parents and neighbours of the proposed school redevelopment. The PAC has generated a number of objections which are set out in the report.

The application has been accompanied by the following suite of documents which have been assessed before reaching a recommendation:

- Noise Impact Assessment
- Flood Consequences Assessment and Drainage Strategy Report
- Ecological Report
- Bat Ecology – Bat Method Statement
- Transport Assessment
- Travel Plan
- Historic Environment Desk Based Assessment
- Ground Investigation Report
- Design and Access Statement

## **PLANNING POLICY**

In the context of the current development control policy framework the site is within the settlement development limits of Kidwelly as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles.

Policy SP2 Climate Change states that development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported. This includes minimisation of waste, displays efficient use of resources, minimises the need to travel, minimises flood risk and is energy efficient.

Policy SP16 supports the provision, protection and enhancement of community facilities.

Policy GP1 Sustainability and High Quality Design provides a list of criteria which demonstrates principles of good design to ensure that development is appropriate to the character of the area and would not have a significant impact on third parties.

Policy GP2 Development Limits states that proposals within defined Development Limits will be permitted, subject to policies and proposals of this plan, national policies and other material planning considerations.

Policy EQ4 sets out the general policy on biodiversity and nature conservation along with the legislative framework. The policy aims to ensure that any environmental impacts are mitigated and that biodiversity interests are protected.

Policy TR2 states that development which generates significant trip generation will be permitted where they are accessible sustainably to non-car modes of transport and incorporate travel plans where appropriate.

Policy TR3 Highways in Developments - Design Considerations, sets out the requirements for development to be situated in a suitable location and incorporate appropriate parking, access and sustainable transport features.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 10 – December 2018 which emphasises well-being, place making & sustainability and TAN12 provides design guidance.

### **THIRD PARTY REPRESENTATIONS**

There is concern from the residents opposite the school that the layout and orientation of the school would result in an impact on their properties. The site of the proposed school is currently the playing pitch, so the proposal would move the location of the school so that it would front onto the road. The proposal has been designed so that the existing school can remain operational during construction and minimise disruption. The impact of the proposal is considered to be neutral as the current school is at the front of the site set back a similar distance but to the west of the proposed replacement school. The orientation maximises the solar gain from the southern rear elevation so turning it 90degrees would have a significant adverse impact on the design and efficiency of the school.

The proposal is set back from the road approximately 20m which is a similar extent as the current school. There is a bike / waiting shelter proposed to the front and circulation space with landscaping. The main building is also set back to a similar extent as the adjacent Catholic Church so is in accordance with the spatial character of the existing and adjacent sites.

There are concerns over the detailed design being two storey in height. The two storey design is of a domestic scale and fits in with the terraced character of the residential dwellings opposite. The roof is of a shallow pitch so the overall scale from the front is not

overbearing or likely to dominate the street scene. It should be noted that there are two classrooms and the staff room with first floor windows to the front and the rest of the windows are serving the plant room, toilets and high level windows for the hall.

The modern design and materials are in accordance with the Passivhaus principles which are designed to be sustainable and energy efficient. As above, a two storey design is proposed, however it is not likely to result in an unacceptable adverse impact.

Overshadowing and loss of light is a concern given the fact that it is to the south of the residential dwellings on Priory Street. However, it is noted that there is gap of approximately 30m between the school and the houses and the 12 degree roof pitch is very shallow so the ridge height overall is low at 10.5m and approximately 45m from the dwellings. The proposal is not therefore likely to result in unacceptable loss of amenity through overshadowing.

Loss of Privacy is a concern with the two storey design. However as noted above, the character of the school is of a domestic scale and design from the front and whilst there is a high degree of first floor front fenestration, the only active rooms are the staff room and two classrooms. The majority of the activity is to the rear of the school which is away from the residential properties. The separation distance between the school and the houses is approximately 30m so this is considered to be an acceptable distance and not likely to cause amenity issues through loss of privacy.

The school has been designed for the future numbers projected for the town. It is noted that there are currently a considerable number of pupils from outside the town attending the school so there is scope for realignment moving forward so that the needs of the town are met in the long term. This has been factored into the education grant and justification for the new facility.

Highway Safety considerations are paramount in respect of new development and for schools in particular. It is considered that the additional parking and circulation off street to allow drop off and pick up would be a significant gain in terms of highway safety as it would avoid traffic stopping on the highway. The formulation of parking off the street would allow cars to wait off street while picking up. A safe pedestrian flow needs to be proposed from the car park to the school entrance which would allow pupils to be separated from the traffic flow. There are some queries from highways which will be addressed prior to Committee and this will be addressed in the addendum.

There is concern over traffic calming and loss of resident parking opposite the school. This would be subject to a Traffic Regulation Order which is determined outside the planning application through the highway procedures. It is noted that the highway gains in terms of school parking are balanced by additional areas of zig zag no parking on Priory Street.

The Access Points are designed so that there is an In and Out arrangement with circulation within the school grounds for pick up and drop off in order to provide a safe environment for pupils. The third access is for servicing to the West of the school. The service access has been separated so as to avoid conflict between parents, pupils and the delivery of food products.

Buses will still have a layby and an on street bus stop as existing.

Loss of View is not a material planning consideration.

## **CONCLUSION**

After careful consideration of the site and surrounding environs, on balance, it is considered that the existing school is in poor condition and the replacement is required to comply with modern educational standards. The replacement of the school is part of the County's Modernising Education Programme which is being backed by the Welsh Government. Policy SP16 of the LDP specifically supports such developments.

The proposal is for a high quality contemporary designed school to replace the existing sub-standard facility. The design is in accordance with Passivehaus standards which will ensure high efficiency and low future running costs, thus ensuring a sustainable form of development.

The proposal has been designed and programmed so that the existing school can remain operational whilst work is being carried out, in order to minimise the disruption to pupils. The impact of the existing school therefore does not change and the highway improvements etc. will take place when the old school is removed. There will be a short period when the work to form the car park and drop off is being constructed but this will be a planned operation and is considered to be minimal in the context of the life of the school.

Whilst concerns have been raised by third parties, the proposed redevelopment is within settlement development limits and is not likely to have an unacceptable adverse impact on third parties or highway safety, therefore is considered to be in accordance with the above policies.

## **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 dated 18<sup>th</sup> December 2018:-
  - 1:1250 scale Location Plan. Drawing No. PA001;
  - 1:100 scale Proposed Roof Plan. Drawing No. PA035;
  - 1:100 scale Proposed Floor Plans. Drawing No. PA20A;
  - 1:100 scale Proposed Elevations. Drawing No. PA30A;
  - 1:250 scale Landscape Sections. Drawing No. 05 RevA;
  - 1:500 scale Foul and Surface Water Drainage Strategy Plan. Drawing No. 001-RevP02;
  - 1:500 Proposed Swept Path Analysis. Sheet 01 of 03. Drawing No. 0002-RevP03;
  - 1:500 Proposed Swept Path Analysis. Sheet 02 of 03. Drawing No. 0005-RevP03;
  - 1:500 Proposed Swept Path Analysis. Sheet 03 of 03. Drawing No. 0006-RevP02;
  - 1:500 scale Proposed Site Layout Visibility Splay Plan. Drawing No. 0003 Rev P03;
  - 1:250 scale Planting Plan. Drawing No. 04 RevA;
  - NTS Phasing Plan (Indicative). Drawing No. PA003;

and the following plans dated 4<sup>th</sup> February 2019:-

- 1:500 scale Proposed Site Plan. Drawing No. 2192-003-CCC-DR-PA70B;
- 1:500 scale Boundary Treatments. Drawing No. 2192-003-CCC-DR-PA071B;
- 1:250 scale Landscape Plan. Drawing No. 18/621/03RevD.

3 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 07:00 and 23:00;
- 36dB between the hours of 23:00 and 07:00;

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.

4 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.

5 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 3 and 4 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 3 and 4 are not complied with then the submitted survey shall also include mitigation measures to ensure compliance with conditions 3 and 4. The development shall then be undertaken in accordance with the approved details.

6 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.

7 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.

8 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.

9 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.

- 10 Between the MUGA and the adjacent dwellings it is advised that a boundary fence is installed with a minimum mass of 10 Kg/m<sup>2</sup>. The MUGA enclosure should not be fixed to the fence.
- 11 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.
- 12 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.
- 13 The school shall operate strictly in accordance with the submitted Travel Plan dated 18 December 2019.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3-12 In the interests of public protection.
- 13 In the interests of highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposed development complies with Policy SP1, GP1, GP2 & H2 of the LDP in that it is the replacement of an educational facility within the settlement development limits which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policies TR2 & TR3 in that the proposal is not likely to be detrimental to highway safety.

## **NOTES**

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

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

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

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

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



**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>S/38295</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF NEW HOUSE WITH INTEGRAL GARAGE AT PLOT 3, HEOL BRONALLT, FFOREST, LLANELLI, SA4 7TE

<b>Applicant(s)</b>	MR NEIL EBORN, 48 CLAYTON DRIVE, PONTARDULAIS, SWANSEA, SA4 8AD
<b>Agent</b>	ROBERT HIGGINS ARCHITECT - MR ROBERT HIGGINS, 105 PENYBANC ROAD, PENYBANC, AMMANFORD, SA18 3QP
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Hendy
<b>Date of validation</b>	15/01/2019

## CONSULTATIONS

**Head of Transport** – Has raised concerns regarding visibility and parking as one of the car parking spaces is positioned within 2.4m of the edge of the carriageway. Also noted that the car parking spaces were below standard size. A revised plan has been received which repositions and increases the size of the proposed the parking spaces. Highways have now confirmed no objection subject to a condition regarding visibility splays.

**Llanelli Rural Council** - No observations received to date.

**Local Member** - Councillor Gareth Thomas is a member of the Planning Committee and has requested that the application be brought to the Planning Committee and that a site visit is undertaken in order for members to view the location and any impact of the development on surrounding properties.

**Dwr Cymru/Welsh Water** – No objection subject to a condition restricting surface water drainage discharging to the public sewerage network.

**Sustainable Drainage Approval Body** – Raises concerns regarding siting of a soakaway at the site due to the sloping nature and proximity of the neighbour's house at the lower end. Recommends that on-site infiltration tests in accordance with BRE365 are undertaken to ensure no detrimental impact on the lower neighbour's property. The agent has been informed of the response.

**Public Rights of Way** – Initially commented stating that no regard has been given to the existence of Footpath 34/43 and if planning permission is to be granted, conditions are required. However, have since confirmed that the route of Footpath 34/43 was incorrectly mapped and abuts the application site.

**Llanelli Ramblers** – Object on basis that application impacts on Footpath 34/43 and no regard has been given to use of the Public Right of Way. No revised comments have been received following the correction of the mapping for the footpath.

**Neighbours/Public** - The application has been publicised by the posting of two Site Notices. Please note that 2 no. responses have been received from 2 no. properties raising material planning considerations as follows:-

- privacy/amenity/overbearing;
- proposal does not take account of public footpath;
- query regarding land ownership; and
- increased traffic causing safety issues.

## **RELEVANT PLANNING HISTORY**

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

S/37293	Construction of new house with integral garage. Full Planning refused	12 July 2018
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## **APPRAISAL**

### **THE SITE**

The application site consists of a rectangular parcel of land fronting the western side of Bronallt Road within the village of Hendy. The site is bordered by Public Right of Way footpath no. 34/43 and then no. 53 Bronallt Road to the south, existing property Y Winllan is to the north west and a vacant parcel of land, part of which has recently been granted outline planning permission at Planning Committee subject to completion of a Section 106 agreement for 2 dwellings (reference. S/36098). The Coed y Bronallt estate is situated to the north west of the site and is characterised by large detached houses and Bronallt Road comprises a mix of large detached houses as well as former local authority semi-detached properties.

The site consists of a grassed overgrown area which has an unkempt appearance and has previously been subject of two enforcement notices served regarding untidy land. The levels of the site fall towards its western boundary. The Y Winllan property within the Coed y Bronallt estate to the rear is set at a lower level than the site.

### **THE PROPOSAL**

The application seeks full planning permission for a detached dwelling with integral garage, alongside new access, driveway and parking spaces to the front and private garden space to the rear. This application follows a previous application (reference. S/37923) at the site which was refused under officer delegated powers due to concerns regarding its harmful impact on the residential amenity of the occupiers of the neighbouring dwelling of 'Y Winllan' by way of loss of privacy and overbearance.

The present application has not altered from the previously submitted scheme and comprises a three storey property built into the land which appears two storey when viewed from Bronallt Road.

At ground floor level, the property comprises an integral garage, study, bathroom, snug, dining/living room and large open plan kitchen which runs along the rear elevation of the property. A semi-circular stairwell is proposed beyond the main wall of the rear elevation in the north western corner of the property. The stairwell has no fenestration and provides access to the lower floor. There is also an internal staircase within the centre of dwelling which provides access to the first floor. At first floor, four bedrooms are proposed, each of which has its own en-suite. Bedrooms 1 and 2 overlook the rear garden (three windows) whilst bedroom nos. 3 and 4 face Bronallt Road. The lower ground floor includes a lounge, lobby, shower room, utility room and bin store with access to the rear garden from the living room via bi-folding doors or the bin store on the south elevation.

The application has been accompanied by cross sectional drawings taken through the site which show the proposed finished levels of the development in relation to existing properties to the east and west. Whilst the proposed dwelling has been built into the land, the topography and elevated position results in the dwelling having a direct elevated outlook towards the rear elevation and private garden area of the existing property, Y Winllan to the rear. The positioning of the stairwell to the north west of the property seeks to reduce views from the kitchen and lounge yet this does not overcome the concerns regarding overlooking.

A 1.8m high close boarded timber fence is also shown on the plans along the north and western boundary.

The application is accompanied by a draft Unilateral Undertaking and completed Certificate of Title indicating the applicant intends to comply with the requirements for a contribution towards affordable housing in line with Policy AH1.

## **PLANNING POLICY**

In the context of the Authority's current Development Plan the site is within the defined development limits of Hendy as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan and therefore appears as white land. Reference is drawn to the following policies of the Plan:-

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

Policy GP1 Sustainability and High Quality Design is a general policy which 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. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy GP2 Development Limits requires 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 Planning Obligations states that the Council will, where necessary seek developers to enter into planning obligations to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites.

Policy H2 Housing within Development Limits permits proposals for smaller housing developments on unallocated sites within the development limits of a defined settlement provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 Affordable Housing states a contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub-market areas.

Policy GP4 Infrastructure and New Development 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 TR3 Highways in Developments – Design Considerations relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EP2 Pollution 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 Sustainable Drainage 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 EQ4 Biodiversity 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 in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

### **THIRD PARTY REPRESENTATIONS**

Two letters of objection have been received from neighbouring residents who raise concerns regarding the impact of the proposal on their residential amenity. Concerns are raised by a neighbour located to the west regarding loss of privacy and overbearance as a result of the proposed development and notes that only a property which sits at similar height to their

property would address this concern. The objection also refers to the existing footpath being well used and inaccuracies regarding the red line plan. It is noteworthy that previously the neighbour commented on the earlier application at the site, yet did not raise such strong concerns or objections regarding the proposal.

The second objection refers to loss of views as a result of the development and concerns over increase in traffic resulting in highway safety issues.

Highway/pedestrian safety has been carefully considered. There was initial concern from Highways regarding visibility and parking for the proposed development. One of the proposed car parking spaces was situated within 2.4m of the nearside edge of the carriageway. The comments also highlighted that the size of the parking spaces fall below the 2.6m x 4.8m standards.

Revised plans have since been submitted with one of the spaces relocated and the parking spaces increased in size to the above standards. Highways have responded stating that should the application be approved, a condition will be imposed requiring 2.4m x 4.3m visibility splays to be implemented and retained thereafter. On this basis, the Head of Transport has no objection.

Turning to the objection regarding loss of privacy and overbearance on adjacent dwelling 'Y Winllan', it is pertinent to note that the previous application (reference. S/37293) for the same scale development at the site was refused on this basis. As before, it is considered that the new dwelling would have a direct elevated outlook towards the rear elevation and private garden area of this existing property at close quarters to the detriment of the privacy and enjoyment of its occupiers. Moreover, the scale and massing of the new dwelling combined with its proximity and elevated position above 'Y Winllan' would mean it would appear as an overly dominant and overbearing feature from this existing property. It is considered that the proposed development therefore fails to conform to criteria within Policy GP1 (Sustainability and High Quality Design) and Policy H2 (Housing within Development Limits).

In terms of loss of views as Committee Members will be aware this is not a material planning consideration. As per highways comments, the proposed development is not considered to have an impact on highway safety grounds subject to a condition regarding visibility.

The agent has submitted revised plans amending the red line area of the application site which accords with the Certificate of Title completed by the applicant's solicitor. On this basis, it is considered that the concern regarding land ownership has been addressed.

## **CONCLUSION**

After careful consideration of the site and surrounding environs, the proposal is considered not to be acceptable given its impact on the amenity of adjacent residential dwellings. Whilst the proposal complies with a number of policies within the Local Development Plan (LDP) given the site's location within the Development Limits in Hendy, the proposed dwelling fails to comply with the relevant criteria within LDP Policies GP1 and H2, by reason of its siting, size and scale.

Given the sloping nature of the site, accompanied by the scale and massing of the proposed dwelling, it is considered to result in unacceptable harm to the residential amenity of the occupiers of the neighbouring dwelling 'Y Winllan' due to loss of privacy and overbearance. Despite attempts to reduce overlooking through proposed fencing and positioning of the

stairwell on the rear elevation, the new dwelling would have a direct elevated outlook towards the rear elevation and private garden of the existing property at close quarters resulting in a detrimental impact on the privacy and enjoyment of its residents. Given the proximity and site topography, alongside the scale and massing of the proposed dwelling would result in it appearing as an overly dominant and overbearing feature from the existing property. Furthermore, as raised by the Sustainable Drainage Approval Body, there are concerns regarding the proposed use of a soakaway due to the sloping nature of the site and the proximity of the neighbour's house at the lower end. Therefore, it is recommended that on-site infiltration tests are undertaken in accordance with BRE365. In advance of the tests being carried out, it is not possible to ensure no detrimental impact on the neighbouring dwelling 'Y Winllan'.

The proposal includes adequate parking facilities so no concerns are raised regarding highway safety, subject to imposition of suitable condition. As previously identified, a draft Unilateral Undertaking has been submitted by the applicant's solicitor regarding a commuted payment to contribute towards the provision of affordable housing in the locality as part of the proposal. As such, the proposal complies with the requirements regarding affordable housing within LDP Policy AH1 (Affordable Housing).

On balance, whilst an infill opportunity within the village, the proposal results in unacceptable harm to the residential amenity of neighbouring occupiers and therefore it is recommended that the application be refused for the following reasons.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy GP1 "Sustainability and High Quality Design" of the Carmarthenshire Local Development Plan:-

#### **Policy GP1 Sustainability and High Quality Design**

**Development proposals will be permitted where they accord with the following:**

- a) It 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;**
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c) Utilises materials appropriate to the area within which it is located;**
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;**
- e) Includes an integrated mixture of uses appropriate to the scale of the development;**
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft**

**landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;**

- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);**
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;**
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;**
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;**
- k) It has regard to the generation, treatment and disposal of waste;**
- l) It has regard for the safe, effective and efficient use of the transportation network;**
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;**
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.**

**Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).**

In that:-

- it would be unacceptably harmful to the residential amenity of the occupiers of the neighbouring dwelling of 'Y Winllan' by way of loss of privacy and overbearance. The new dwelling would have a direct elevated outlook towards the rear elevation and private garden area of this existing property at close quarters to the detriment of the privacy and enjoyment of its occupiers. Moreover, the scale and massing of the new dwelling combined with its proximity and elevated position above 'Y Winllan' would mean it would appear as an overly dominant and overbearing feature from this existing property.
- Without undertaking on-site infiltration tests it is not possible to ensure that satisfactory disposal of surface water can be achieved and that the proposed soakaway will not result in a detrimental impact on the property 'Y Winllan' to the lower end.



- 2 The proposal is contrary to Policy H2 “Housing within Development Limits” of the Carmarthenshire Local Development Plan (December 2014):-

### **Policy H2 Housing within Development Limits**

- a. **Proposals for housing developments on unallocated sites within the development limits of a defined settlement (Policy SP3) will, where they are not subject to the provisions of Part B below, be permitted, provided they are in accordance with the principles of the Plan’s strategy and its policies and proposals.**
- b. **Housing developments of five or more dwellings in a Tier 4 settlement listed as not containing any key facilities or services (see paragraph 6.2.56 below) will not be permitted, except where they contribute to the provision of affordable housing to meet identified local need (as defined within the Glossary of Terms), and provided that:**
  - i. **They are of a scale in keeping with the character of the settlement;**
  - ii. **The benefits of initial affordability are retained in perpetuity for all subsequent occupants;**
  - iii. **They are of a size, scale, and design compatible with affordable dwellings and available to low or moderate income groups.**

In that it would be unacceptably harmful to the residential amenity of the occupiers of the neighbouring dwelling of ‘Y Winllan’ by way of loss of privacy and overbearance. The new dwelling would have a direct elevated outlook towards the rear elevation and private garden area of this existing property at close quarters to the detriment of the privacy and enjoyment of its occupiers. Moreover, the scale and massing of the new dwelling combined with its proximity and elevated position above ‘Y Winllan’ would mean it would appear as an overly dominant and overbearing feature from this existing property.

- 3 The proposal is contrary to Policy EP3 “Sustainable Drainage” of the Carmarthenshire Local Development Plan (December 2014):-

### **Policy EP3 Sustainable Drainage**

**Proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated.**

**The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.**

In that it is not possible to ensure that satisfactory disposal of surface water can be achieved and that the proposed soakaway will not result in a detrimental impact on the property ‘Y Winllan’ to the lower end without undertaking on-site infiltration tests.