

<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



dwelling 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.