

**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 15 RHAGFYR 2020
ON 15 DECEMBER 2020**

**I'W BENDERFYNU/
FOR DECISION**

***Ardal Del/
Area South***



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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	15 DECEMBER 2020
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/40412
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Application Type	Outline (All Matters Reserved)
Proposal & Location	DETACHED DWELLINGHOUSE AT LAND ADJACENT TO SINGLETON ROAD, UPPER TUMBLE, LLANELLI, SA14 6DS

Applicant(s)	MR G THOMAS
Agent	JCR PLANNING LTD - RICHARD BANKS
Case Officer	Eilian Jones
Ward	Llannon
Date registered	05/02/2020

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

Site

The site is located within the development limits of Tumble and is generally rectangular in shape and approximately measures 18m x 39m. The site also includes a further parcel of land, comprising of a private lane located between the property known as 'Gaiman' and 20D Singleton Road. This lane connects to a further private lane off Singleton Road, which serves approximately 8 existing properties and includes Public Footpath 33/65. The arrangement is akin to a cul-de-sac with no through-road. The site is in a predominantly residential area and is adjacent to a small woodland.

Proposal

The application seeks outline consent with all matters reserved for subsequent approval for a single dwelling on the site.

The planning history indicate the site formed part of a larger parcel land which obtained permission in 1990 for residential development (D/12342 refers). The wider site was however developed incrementally with a reduced number of properties being constructed, leaving the application site undeveloped. Subsequent applications to develop the site for several dwellings were submitted however they were refused. The most recent refusal was in 2019 which proposed two dwellings on the site (S/38346 refers). The application was refused on various grounds which included: overdevelopment, impact on character, visual amenity, residential amenity, highway/pedestrian safety, drainage, ecology/biodiversity and

the absence of a legal agreement to secure contributions towards affordable housing and ecology.

This latest application represents a resubmission of that refusal and now proposes a single dwelling. A tree survey, an ecology survey and an indicative plan to illustrate how the site could, in principle, be developed, to overcome the previous reasons for refusal. A draft Unilateral Undertaking to secure affordable housing and ecology contributions has also been submitted with written confirmation that the applicant agrees to the heads of terms.

Planning Site History

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

S/38346	Outline planning for 2 detached dwellings Outline planning refused	06 March 2019
S/01429	Residential development, two 3 bed. houses Full planning refused	17 September 1998
D5/15828	Residential development Refused	14 October 1993
D5/14489	Dormer bungalow Full planning permission	31 March 1994
D5/12868	Residential development Reserved Matters granted	04 June 1990
D5/12342	Residential development Outline planning permission	08 January 1990

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) (CLDP)

SP1 Sustainable Places and Spaces
SP2 Climate Change
SP3 Sustainable Distribution- Settlement Framework
SP14 Protection and Enhancement of the Natural Environment
GP1 Sustainability and High Quality Design
GP2 Development Limits
GP3 Planning Obligations
H2 Housing within Development Limits
AH1 Affordable Housing
TR3 Highways in Developments – Design Considerations
EQ4 Biodiversity
EQ5 Corridors, Network and Features of Distinctiveness
EQ7 Development within the Caeau Mynydd Mawr SPG Area
EP1 Water Quality and Resources
EP2 Pollution
EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

The following guidance documents are considered relevant to the determination of this application:-

[Caeau Mynydd Mawr SPG](#)

[Nature Conservation and Biodiversity SPG](#)

[Planning Obligations SPG](#)

[Placemaking and Design SPG](#)

[Affordable Housing SPG](#)

National Planning Policy and Guidance

[Planning Policy Wales](#) (PPW) Edition 10, December 2018 is considered relevant to the determination of this application.

The following [Technical Advice Notes](#) (TANs) published by Welsh Government are considered relevant to the determination of this application:-

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

TAN 12 Design (2016) seeks to promote sustainability principles through good design and identifies how Local Planning Authorities can facilitate this process through the planning system.

Summary of Consultation Responses

Head of Transportation & Highways - No observations to make on the proposal.

Head of Public Protection - No adverse comments to make on the proposal.

Drainage Officer – No objections. Advise that separate SAB approval is required.

Llannon Community Council - No written observations received to date.

Local Member(s) - No written observations received to date.

Natural Resources Wales – No comments to make on the proposal.

Dwr Cymru/Welsh Water – No objections to the proposal subject to a condition relating to the protection of the public sewer

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of neighbouring letters.

6 representations were received, 6 objecting, and the matters raised are summarised as follows:-

- Overdevelopment/Site is too small.
- Tandem form of development.
- Loss of residential amenity.
- Highway/pedestrian safety, including traffic, access issues and proximity of Public Footpath.
- Drainage and flooding issues.
- Site subject to previous refusals for residential development with claims that there have been no changes to proposals or circumstances of the site.
- Issues of access to maintain property.
- Dust and noise during construction.
- Noise and light pollution from residential use of the site.
- Restriction on access to neighbouring land which is under different ownership.
- Devaluation of property.

One objector, in support of their objection, has referred to guidance issued by Swansea Council. This has limited weight in the determination of planning submissions within the County of Carmarthenshire.

All representations can be viewed in full on our [website](#).

Appraisal

The application seeks outline consent with all matters reserved for subsequent approval for a single dwelling on the site.

Principle of Development

Since the application is seeking outline planning consent with all matters reserved for subsequent approval, only the principle of the development is being considered with an indicative plan submitted to show how the site could be developed and the scale parameters of any buildings to be constructed. In this particular case, the application is proposing a single building with the following scale parameters:

Height: 6m – 8.5m

Width: 8m – 11m

Depth: 9m – 10m

The site is within a predominantly residential area and within development limits, therefore the proposed construction of an additional dwelling in this area would, in principle, be in accordance with sustaining an existing settlement and be compatible with surrounding uses.

Site Layout, Design, Visual Amenity and Residential Amenity

The indicative plan shows the footprint of a dwelling which measures 11m x 9.5m. This reflects a dwelling with a rectangular shape with a small addition resembling a porch. The plan shows the site having a centrally aligned access with the dwelling sited in the north-west section of the plot and the parking and drainage infrastructure in the south-eastern. Access would also potentially be from an existing private lane, located between the property known as 'Gaiman' and 20D Singleton Road.

In broad terms the site is relatively flat with no significant changes in levels between neighbouring land and buildings. There are however some minor changes in levels within the site which is currently overgrown with vegetation.

The site is located in an area which has a mixture of house types, designs and age. These are predominantly bungalows or dormer bungalows although there are two-storey dwellings visible from the application site.

The majority of properties in the area have a street-frontage and this proposal could be considered to introduce a development which is rather different to the spatial character of the immediate area, given that it is set behind existing properties.

Previous schemes indicated that the access lane would serve multiple properties which is a fundamental characteristic of tandem developments. However, this latest proposal is inherently different to former submissions since it is limited to a single dwelling and the indicative plan suggests that it could benefit from its own private access and its own private spaces for parking and amenity. It is also recognised that the site is currently accessed off a private lane whereby public visibility of the site and emphasis on strictly adhering to spatial character is generally lower than more prominent parts of the village, such as along principal public roads.

Regard is also given to the current circumstances of the site, namely that it is a rather unkempt parcel of land within development limits, offering little public benefit. This proposal, in principle, could seek to make efficient use of an underutilised parcel of land to provide an additional dwelling-unit within the community.

Unlike previous submissions which proposed more dwelling-units and a more intensified form of residential development, this latest scheme is for a single dwelling. It is considered that the indicative site plan suggests that the plot could, in principle, accommodate a dwelling with a footprint of the scale parameters and provide sufficient space for private amenity space, parking/turning facilities and infrastructure requirements. In this regard, the proposal does not reflect the characteristics of an overdeveloped site and it is noted that the size of the plot is comparable, if not larger, than several other properties in the immediate area.

The indicative plan also suggests reasonable circulation spaces could be achieved in and around the proposed dwelling. Furthermore, the submitted plan indicates an overall distance of approximately 13m between the side of the suggested dwelling and the rear of the neighbouring property, Gaiman. Notwithstanding this, the indicative plan suggests that a proposed dwelling would have a height to ridge scale parameter of between 6m-8m. Careful consideration has been given to the height of the development, especially in context to impact upon neighbouring properties and visual amenity.

In recognition that the site is predominately defined by bungalows and dormer bungalow and that this plot is relatively near and to the rear of several existing properties and their respective gardens, any dwelling on the site needs to be kept reasonably low. Whilst only indicative plans have been submitted, there is sufficient information available to conclude that a tall dwelling in the backdrop of existing properties that may be lower in height is likely to appear out of character with the area. Furthermore, a tall dwelling is likely to result in any adverse impacts on the amenities of neighbouring properties and their respective gardens, some of which have a southern aspect.

Notwithstanding this, the site is within development limits where dormer bungalows are present. Whilst it is accepted that a dwelling on this site could include some floorspace to be provided at first floor level, this should be relatively modest given the potential for impact on neighbouring properties, including dominance, loss of light and outlook. It is noted that the indicative plan demonstrates that it could be possible to include windows on the first floor serving habitable room on various elevations without resulting in unreasonable loss of privacy to neighbouring properties.

Having carefully assessed the proposal, it is considered that a condition which limits any dwelling to a bungalow or dormer bungalow with a height not exceeding 7 metres from slab level would reduce the most harmful effects of the proposal upon visual amenity and the amenities of neighbouring properties. Whilst specific matters associated with the dwelling would be given more detailed consideration within any subsequent reserved matters application, it is considered at this outline stage, that a bungalow or dormer bungalow with a height not exceeding 7 metres in height could, in principle, be accommodated within the site without unreasonable harm to the amenities of neighbouring properties or upon visual amenity.

In addition to the above, it is considered possible to conclude at this outline stage, given the location of the site and the constraints posed by the proximity of neighbouring properties, that any further development beyond the scale parameters of the dwelling could result in further harmful impacts upon the amenities of neighbouring properties and future occupiers of the dwelling. It is therefore considered reasonable and necessary to impose a condition which removes certain permitted development rights of the property, to enable the Local Planning Authority to retain effective control over future development associated with the property.

Conditions to control the agreement of boundary treatments would also assist in safeguarding the amenities of neighbouring properties and future occupiers of the dwelling, whilst also ensuring that they are visually appropriate to the area. A further condition requiring the agreement of all external finishes of the proposed dwelling is also necessary, to ensure that the development is visually sympathetic to the surrounding area.

Trees and Ecology/Biodiversity

The site itself is largely overgrown with vegetation but is adjacent to a small woodland. Only a small group of trees are present within the site, but these are located on the periphery of the main part of the site which contains no significant landscape features. None of the trees are covered by a Tree Preservation Order.

A tree survey has been submitted indicating that the trees which could be affected by the development are generally low quality in terms of their health and condition. Notwithstanding this, the indicative plan has demonstrated that it would be possible to develop the site without siting a dwelling in the immediate proximity of peripheral trees. The tree survey has been reviewed by the Council's Tree Officer who is satisfied with the conclusions of the report and has no objections to the proposal. It has been recommended that the boundary adjacent to the woodland is planted with a hedgerow to provide a more natural transition between physical development and natural features.

Notwithstanding the low-quality condition of the trees, the biodiversity/ecological value of the site as a whole and its surroundings have been considered separately by the Council's Ecologist. A bat survey has been submitted indicating that the site does not contain a bat

roost although the surroundings were used for foraging and commuting. The report concludes that the proposal would not have an adverse impact upon bats but recommend enhancement measures. The Council's Ecologist agrees with the findings of the report and recommend several conditions. It has also been recommended that a condition is imposed which provides protection measures to peripheral trees and the adjacent woodland during the construction stages of the development. Whilst the bat survey report recommends installation of a bat box, the precise details of the dwelling is not yet known, therefore a condition requiring the ecological enhancements is considered more appropriate. Natural Resources Wales has also considered the application and has no objections to the proposal.

The site lies within the catchment area of the Caeau Mynydd Mawr Special Area of Conservation (SAC) as defined by Caeau Mynydd Mawr SPG (SPG: CMM). In such areas, there is a need to consider proposed developments which have the potential of impacting upon the Caeau Mynydd Mawr SAC. The SPG establishes a management strategy to ameliorate for the loss of and secure the ongoing and future management of habitat used by the Caeau Mynydd Mawr SAC marsh fritillary butterfly metapopulation. In such instances, the SPG provides a mechanism for funds to be secured from planning permissions issued in order to mitigate for the loss of habitat that is likely to occur as a result of development. It also similarly mitigates for any reduction in the permeability of the landscape within the SPG area due to development. This enables planning permission to be granted without the need for an Appropriate Assessment in every instance.

Having regard to the above, the proposal generates the need for a financial contribution towards ecology. The applicant has agreed, in principle, to provide this contribution via a legal agreement. It is therefore considered that the proposal, subject to conditions and legal obligations, would not have a significant adverse effect on trees or biodiversity/ecology, thereby satisfying Policies SP14, EQ4, EQ5 and EQ7 of the LDP.

Affordable Housing

The proposed development involves the construction of a private market dwelling. As such, the proposal generates the need for a financial contribution to be made towards affordable housing provision in the area. The applicant has agreed, in principle, to provide these contributions and the completion of a legal agreement is required to enable these to be secured. Subject to its completion, it is considered that the proposal promotes sustainable development and contributes to the objective of creating mixed communities and the creation of sustainable places.

Drainage and Utilities/Infrastructure

Since this submission is an outline application, only the principle of the development is to be established. Whilst objections have been received from neighbouring properties expressing localised flooding issues in the vicinity, the site is not within a flood risk area, as defined by the Development Advice Maps associated with Technical Advice Note 15: Development and Flood Risk. It is also noted that Natural Resources Wales has not raised any objections concerning flooding.

The indicative plan has included some information concerning potential surface water drainage. The plan suggests the creation of a small attenuation pond within the site which will allow a controlled discharge into an existing watercourse on the boundary of the site. It is considered, in principle, that there would be sufficient space within the site to accommodate this arrangement although it would be considered prudent to impose a

condition for details of any attenuation pond to be agreed given the presence of trees and the need for their protection during construction works.

Notwithstanding the above, the Council's Drainage Officer has acknowledged that the drainage associated with the proposal will require separate consent from the Sustainable Drainage Approval Body (SAB) and, as such, has not raised any adverse comments.

Welsh Water has no objections to the proposal subject to a condition which ensure that surface water does not enter the public sewerage network. Welsh Water has indicated that there is a public sewer which crosses the access lane into the site and at the periphery of the site. Their locations are unlikely to pose a significant constraint to the ability to accommodate a single dwelling within the site. It does however confirm that foul drainage connection for the proposed dwelling is likely to be possible. It is considered prudent to impose a condition requiring that any reserved matters application includes specific details concerning the location and protection of the public sewer.

Having regard to the above, it is considered that the proposed development and site could, in principle, be supported by adequate drainage facilities which would not result in any harm to amenity, flood risk or the existing drainage infrastructure.

Access, Parking and Highway Safety

Since the application is seeking outline planning consent with all matters reserved for subsequent approval, it is not possible to precisely determine the point of access or the required amount of off-street parking. However, the indicative plan shows access from a lane located between the property known as 'Gaiman' and 20D Singleton Road which is the only logical point of access to the site. This is a private lane which connects to a further private lane off Singleton Road, which serves approximately 8 existing properties and is akin to a cul-de-sac with no through-road. The indicative plan also shows a turning area and parking for approximately 3 spaces.

The previous application for two dwellings on the site was refused on highway-related matters. This proposal is materially different since only a single dwelling is proposed. The proposal and indicative plan have been reviewed by the Highways Authority and they have no observations to the proposal. It is therefore considered that this latest proposal would not have such an adverse effect on highway/pedestrian safety as to warrant refusal. Conditions to secure on-site provision of parking and turning facilities within the site and to control the positioning of any access gates are considered reasonable and necessary in this particular instance.

There is a public footpath located outside but adjacent to the site. This path connects Singleton Road with the B4310, traversing along the private section of the road currently serving several existing properties. This is generally a short section and has relatively straight alignment. This latest proposal is for a single dwelling and the Highways Authority have not indicated that the proposal would be detrimental to highway or pedestrian safety. It is therefore considered that the proposal satisfies Policies SP9, TR2 and TR3 of the LDP.

Other Matters

Several additional matters have been raised by third parties and the following response is provided.

Whilst the site has been subject to previous refusal for residential development, each application is assessed on its own merits and in context to adopted planning policies and guidelines. This submission is for a single dwelling which is materially different to previous schemes which proposed multiple dwellings.

It is acknowledged that there may be a degree of disruption and loss of amenity to neighbouring properties during the construction phase of the dwelling which could raise matters of dust and noise. These matters are unfortunately a by-product of any development, from domestic extensions to larger developments. However, it is considered that these matters, which would be associated with a single dwelling, would be temporary and do not hold significant weight in the determination of this application to withhold permission. Once the dwelling is completed, it is considered that a single dwelling, in a predominantly residential area, would not generate any unreasonable noise, light pollution, or significant loss of amenity to neighbouring properties.

Comments have been received regarding potential issues for access to maintain properties or other land. It would appear that the application site is under different ownership to neighbouring properties, therefore right of access is already rather restricted. Access onto third party land, or issues covered by the Party Wall etc. Act are private matters between interested landowners and is not deemed to hold sufficient weight in the determination of this application to withhold permission.

Devaluation of property/land is not a material planning consideration in the determination of this planning application.

Planning Obligations

The site lies within the catchment area of the Caeau Mynydd Mawr Special Area of Conservation (SAC) as defined by Caeau Mynydd Mawr SPG (SPG: CMM). The proposal generates the need for a financial contribution towards ecology.

The proposed development involves the construction of a private market dwelling. As such, the proposal generates the need for a financial contribution to be made towards affordable housing provision in the area.

A draft Unilateral Undertaking to secure affordable housing and ecology contributions has also been submitted with written confirmation that the applicant agrees to the heads of terms to provide these contributions. Subject to the completion of a legal agreement, it is considered that the proposal meets the relevant obligations.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The decision takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Conclusion

After careful consideration of the scheme as submitted it is concluded, on balance, that the proposed development accords with Policies SP1, SP2, SP3, SP9, SP14, GP1, GP2, GP3, H2, AH1, TR2, TR3, EQ4, EQ5, EQ7, EP1, EP2 and EP3 of the LDP.

The proposed dwelling within development limits, represents an acceptable form of development which, in this particular instance, would not amount to overdevelopment and would not unreasonably harm the spatial character of the area. This proposal, in principle, is deemed to make efficient use of an underutilised parcel of land to provide an additional dwelling-unit within the community. The proposed development, in principle, would not have an unreasonable adverse effect on visual amenity, residential amenity, trees, highway/pedestrian safety, drainage or water quality. Furthermore, subject to the completion of the legal agreement, the proposal promote sustainable development and would not have an adverse effect on ecology/biodiversity interests.

Members are respectfully requested to resolve to approve the application subject to the completion of a legal agreement towards affordable housing and ecology and the below-mentioned conditions. If no legal agreement is signed within 6 months of any Committee resolution to approve, the Head of Planning requests delegated power to refuse the application.

Recommendation - Approval

Conditions and Reasons

Condition 1.

Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development shall commence not later than whichever is the later of the following:-

- a) the expiration of five years from the date of this outline planning permission;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2.

The development hereby permitted shall be carried out in accordance with the following schedule of plans and documents:-

- SR001 – Site Location Plan (Scale 1:1250, received 5 March 2020);
- SR002 – Block Plan (Scale 1:200, received 5 March 2020);
- Paragraph 5.1.1 of the document: IG2019LandadjcenttoSingletonRoad [Version 1] – Bat Survey Report [conducted by I & G Ecological Consulting] (received 5 March 2020).

Reason: In the interests of visual amenity, residential amenity and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

Condition 3.

In pursuance of any reserved matters application, details of access, appearance, landscaping, layout and scale of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

Condition 4.

Notwithstanding the requirements of Conditions 2 and 3, the dwelling hereby approved shall be limited to a bungalow or dormer bungalow with a height not exceeding 7 metres from slab level.

Reason: In the interests of visual amenity and residential amenity.

Condition 5.

In pursuance of any reserved matters application, details of existing and proposed site levels and the finished slab and floor levels of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and residential amenity.

Condition 6.

No development shall commence until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

Condition 7.

In pursuance of any reserved matters application, a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details and plan and implemented prior to the beneficial occupation of the approved dwelling or in accordance with a timetable which shall first be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be retained as approved in perpetuity.

Reason: In the interests of visual amenity and residential amenity.

Condition 8.

In pursuance of any reserved matters application, a scheme of parking and turning facilities within the curtilage of the site and dedicated to serve the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety and residential amenity.

Condition 9.

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Singleton Road frontage within 2.4 metres of the near edge of the carriageway.

Reason: In the interests of highway safety.

Condition 10.

Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.

Reason: In the interests of highway safety.

Condition 11.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Condition 12.

In pursuance of any reserved matters application, a plan shall be submitted to and approved in writing by the Local Planning Authority identifying the precise location of any public sewers within the site with details to confirm that no operational development is to be carried out within 3 metres either side of the centreline of any identified public sewer. The site shall be developed in accordance with the approved plan.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Condition 13.

In pursuance of any reserved matters application, details of the siting, size and design of any drainage attenuation pond and associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting important landscape features within the site.

Condition 14.

No development shall commence until the tree and hedgerow protection measures, as identified within the document 07/20/SRT/V4 – BS5837:2012 Survey 21st July 2020 [conducted by RTAC] (received 22 July 2020), have been implemented on site. The approved protection measures shall then be retained, as approved, for the entire duration of the construction phase of the site.

Reason: In the interests of protecting important landscape features within the site and in the interests of ecology/biodiversity.

Condition 15.

No development shall commence until a scheme of ecological enhancements and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable and thereafter retained in perpetuity.

Reason: In the interests of ecology/biodiversity.

Condition 16.

Prior to the installation of any external lighting, a detailed lighting plan, focusing particularly on minimising lighting impacts to features of importance to nocturnal wildlife and maintaining flight lines and dark corridors, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved lighting plan.

Reason: In the interests of ecology/biodiversity.

Condition 17.

No development (including ground works) shall commence until a scheme for the identification and eradication of any Japanese Knotweed present on site and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: In the interests of ecology/biodiversity.

Condition 18.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, Schedule 2, Part 1, no development within Classes A, B, C and E shall be carried out within the curtilage of the dwelling hereby approved without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and residential amenity.

Notes/Informatives

Note 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.

Note 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).

Note 3

In respect of Condition 7 (boundary treatments), the applicant/developer is required to provide details of a native hedgerow along the entire south-western boundary of the site, abutting the woodland.

Application No	PL/00513
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Application Type	Renewal and Variation of Conditions
Proposal & Location	VARIATION OF CONDITION 1 ON S/11618 (TIME LIMIT EXTENDED BY 15 YEARS) AT LLANELLI SAND DREDGING Ltd, BURRY PORT INDUSTRIAL ESTATE, BURRY PORT, LLANELLI, SA16 0NN

Applicant(s)	LLANELLI SAND DREDGING
Agent	ASBRI PLANNING LTD
Case Officer	Ffion Williams
Ward	Burry Port
Date registered	07/10/2020

Reason for Committee

This application is being reported to the Planning Committee as the application involves land owned by the County Council.

Site

The site is located to the East of Burry Port. Parc y Twyn School is located 300m to the South West, Burry Port Industrial Estate 180 m to the West; the nearest residential Properties are 250m to the West along Burrows Terrace. The Millennium Coastal Park is located to the South and South East of the Site. Other land uses adjacent to the site include the Railway to the North, and Sewage works to the West. The B4311 runs along the Eastern site boundary, and access to the site is also from the B4311. A concrete island at the site entrance requires vehicles to enter the site from a westerly direction, and to turn left only upon exit. Roundabouts along the B4311 enable vehicles to turn in the required direction.

The site is fairly level, with Eastern half of the site used for the storage of sand landed at the site from dredging in the Bristol Channel. A pipeline transports the sand from the landing pontoon to the East, where it is discharged at the site. The Western half of the site is used for the bagging, packing and loading of sand products. This area also contains storage bays, storage areas and hoppers for loading sand, gravel and aggregate products. The site administrative and welfare facilities; site office, weighbridge, and staff parking are located in the Northern part of the site.

Proposal

The application is a s.73 application to Vary conditions attached to a previous permission and seeks to vary condition 1 of planning permission S/11618.

Condition 1 permits operations at the site until 23rd December 2020, after which operations must cease, and the site restored. This proposal would extend the time limit by an additional 15 years, enabling the site to be operational until 2035.

A planning application for a site extension, which would encompass the existing site and permission, was registered by the authority on 3rd March 2020, under application number S/40307. It was anticipated by the applicant that the application would also deal with the extension of time at the existing site. However, due to ecological matters which need to be resolved, this initial application has not yet been determined. This application has been submitted subsequently in order to secure the permission on the existing site whilst the outstanding matters in respect of the initial application are resolved.

Planning Site History

Relevant site history:

S/40307 - proposed extension and raising of levels to existing industrial storage yard with associated parking, staff portacabins, industrial hoppers and weighbridge -
Pending

S/34262 - approval of reserved matters is sought for site access and ancillary access to llanelli sand dredging ltd, appearance, scale, layout, landscaping of proposed primary school development with associated infrastructure and enabling works. together with the discharge of condition nos. 2, 6,7,11,12,13,15,17,18 and 22 attached to outline planning permission s/30600 granted on the 25/11/2015 -
Reserved matters granted 18/11/2016

S/11618 - variation of condition 1 of planning permissions c5/374/ s/01040, s/07142 and s/01417 (time limit) –
Variation of condition granted 23/12/2005

S/07142 - extension of existing premises to provide additional open space storage for loose and bagged sand and other aggregates –
Granted 12/08/2004

S/01440 - the erection of bagging plant and the importation of coarse aggregates -
Granted 26/10/2000

S/01064 – proposed burry port southern relief road – to construct the proposed link (and associated junctions) –
Full granted 03/03/1998

C5/372 (d5/16977) - erection of security fencing to surround the site/weighbridge office, the generator, stores, fuel tank and the area in which the loading shovel is parked -
Granted 27/07/1995

C5/374 (d5/16911) - variation of condition 1 of planning permission reference c5/289 to allow working to continue for further 10 years –
Granted 30/11/1995

C5/289 (d5/12575) - proposed landing, storage, and distribution of dredged sand adjacent to burry port wind turbine site for llanelli san dredging ltd -
Granted 17/05/1990

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces
EMP1 Employment – Safeguarding of Employment Sites
SP10 Sustainable Mineral Development
Policy MPP1 Mineral Proposals

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways – No observations to make with regard to the application.

Valuations Manager - No observations received to date.

Head of Public Protection – confirm they have no adverse comments on the application.

Head of Public Protection(contaminated Land) – confirm they have no adverse comments on the application.

Pembrey and Burry Port Town Council - No observations received to date.

Local Members- Councillor Amanda Fox has not commented to date.

Local Member - Councillor John James is a member of the Planning Committee and has made no prior comment.

Natural Resources Wales – Have undertaken an initial review of the application and there is insufficient information to provide advice on the environmental impacts of dredging for a further 15 years.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of site notice, posted to a signpost alongside the highway/pavement, opposite the site entrance.

No representations were received on the application.

Appraisal

Principle of development

The application seeks to extend the time limit on the site by an additional 15 years, enabling the site to be operational until 2035. Planning permission S/11618 was granted in 2005 and permitted operations until 23rd December 2020. Planning permission S/11618, is itself a S.73 application to increase the time limit, and the most recent in a line of S.73 applications which have sought to extend the site operational time limits, since the parent permission C5/289 was granted in 1990. The planning history at the site indicates the long period the site has been established and operational.

The applicant has an extant dredging licence until 2033. This licence permits the dredging of sand and gravel from an area known as Nobel Banks in the Bristol Channel, and a series of conditions attached to the licence sets out the extraction rate volume limits, area of dredging, working arrangements and monitoring requirements. These dredged sands and gravels are brought to the application site by pipeline, whereby it is discharged to site. The material is stored, prepped (bagging, weighing) for distribution from site via HGVs. This application will enable the site to continue operations associated with landing and distribution of dredged materials for the duration of the marine licence period, plus an additional period to distribute all remaining stock on site.

Mineral Supply

Carmarthenshire LDP notes its function is to ensure a sufficient supply of mineral resources to meet society's needs. Policy SP10 – Mineral Development makes provision for a continuous supply of minerals. The LDP notes Carmarthenshire is limited in its sand and gravel working, and whilst this site does not contribute to the mineral landbank, the minerals landed at the site contribute to the supply of sand and gravel for the county. The Regional Technical Statement 2nd Review notes the importance of marine dredged aggregates in South Wales, which accounts for 83% of sand and gravel production in the region. Whilst the RTS2 observes that much of the existing permitted reserves of Sand and Gravel in Carmarthenshire are in dormant sites, it considers that marine dredged aggregates will continue to supply the demand. The importance of marine derived minerals is again highlighted in the 'The area involved – 22nd annual report Marine aggregate extraction 2019' published by The Crown Estate and British Marine Aggregate Producers Association, which reports 1.37 million tonnes of construction aggregate were dredged in the South West region of the UK, from 7 production licences, of which this application site holds one. Of this total, 0.66 million tonnes were delivered to Welsh Wharves. In 2017 the most recent data available, The Crown Estate 'Marine Aggregates, The Crown Estate Licences Summary of Statistics 2017' reports 119,760 tonnes were landed at Burry Port.

This site not only receives the landed mineral, but also prepares and packs the material for distribution. PPW(Edition 10) notes the importance of infrastructure which supports mineral development, including wharves, processing facilities and batching plants and the loss of

infrastructure and resources needed over the long term should be avoided. This proposal would enable the operator to continue the supply of marine derived sand and gravel and to meet the demand for the mineral for an additional 15 years.

Landscape and Visual Impact

Site is located adjacent to B4311 road, however, is well screened by established trees and scrub. The site is visible from the bridge crossing the railway / railway bridge, which offers clear views of the main sand storage area. The proposal would keep the site operational for an additional 15 years. The application is not considered to change the landscape and visual impact of the site, given that it is an existing site, and this application does not seek to change operations. Any further developments at the site would be subject to planning applications and determined on their merits.

Highway Impacts

The application proposes to extend the time limit on site operations, which would keep the site operating for an additional 15 years. HGVs and other vehicles would continue to use the local highway network to access and depart from site. The site entrance includes a concrete island at the junction, which by its geometry prohibits traffic from turning right upon exit and can only enter the site from a Westerly direction. Roundabouts along the highway enable traffic to change direction to the direction required. The application does not seek to intensify operations on site, only to continue their operation. Highways have no observations to make on the application.

Employment Site

Llanelli Sand is designated Employment Area in Carmarthenshire LDP. Policy EMP1 Employment - Safeguarding of employment Sites, seeks to ensure that existing employment sites are protected from alternative uses. This application would ensure the safeguarding of an employment site by enabling operations to continue at the site for an additional 15 years. This timeframe sought is also in line with the marine dredging licence the operators hold.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

After careful consideration of the scheme as submitted it is concluded that the application should be granted, with the variation to the condition to allow the site to be operational for an additional 15 years. It is considered the proposal is unlikely to have a greater visual, landscape and highway impact than the operation already does, and would ensure the supply of marine sand and gravel and safeguard an employment site. The proposal is considered to be acceptable.

Conditions and Reasons

Condition 1.

All operations at this site shall cease by 23 December 2035 and the site shall be subsequently restored in accordance with a scheme to be submitted for the written approval of the Local Planning Authority by 23 April 2035. In the event of the developer ceasing operations at the site before 23 April 2035 the Local Planning Authority is to be notified immediately and the developer shall, within 3 months of the notification submit for the written approval of the Local Planning Authority proposals for the restoration of the site. The restoration scheme is to be commenced within 3 months of receipt of the written approval of the Local Planning Authority, and shall be completed within an agreed timescale that must form part of the restoration submission.

Reason:

The proposal is temporary in nature as the offshore dredging licence is time-limited.

Condition 2.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order with or without modification), no plant, buildings or machinery in addition to those already existing shall be erected, altered or extended on the site, nor shall the site be extended without the prior written approval of the Local Planning Authority.

Reason:

In the interest of amenity and the prevention of pollution.

Condition 3.

Except in emergencies necessary to maintain safe working of the site (which shall be notified to the Local Planning Authority as soon as practicable), or unless the Local Planning Authority has agreed otherwise in writing, no operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site, except between the following times:-

0700 hours and 1800 hours Monday to Friday; and

0800 hours and 1300 hours Saturdays;

No operations at the site shall take place on Sundays or Public Holidays.

Reason:

In the interest of amenity and the prevention of pollution.

Condition 4.

All loaded lorries shall be sheeted before entering the public highway.

Reason:

In the interest of amenity and the prevention of pollution.

Condition 5.

No commercial vehicles shall leave the site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason:

In the interest of amenity and the prevention of pollution.

Condition 6.

All plant and buildings shall be removed from the site on completion of the operations hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of amenity and the prevention of pollution.

Condition 7.

The best available techniques not entailing excessive cost shall be used to minimize the generation of noise and dust from the site.

Reason:

In the interest of amenity and the prevention of pollution.

Condition 8.

No refuse or waste materials shall be imported into the site.

Reason:

In the interest of amenity and the prevention of pollution.

Condition 9.

Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. AJI filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

In the interest of amenity and the prevention of pollution.

Application No	PL/00673
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Application Type	Full Planning
Proposal & Location	PROPOSED RETENTION AND REINSTATEMENT OF THE FRONT FACADE OF THE BUILDING, ALONG WITH THE RETENTION OF THE PERIMETER WALL, MAIN INTERNAL STRUCTURAL WALLS AND EXISTING STAIRCASE, WITH DEMOLITION OF THE REMAINING BUILDING AND SUBSEQUENT RECONSTRUCTION TO PROVIDE A1/A2/A3 COMMERCIAL USE AT GROUND FLOOR LEVEL, B1 OFFICE USE AT 1ST FLOOR LEVEL AND 8NO. RESIDENTIAL UNITS ON THE UPPER FLOORS, WITH ASSOCIATED RESIDENTS PARKING AT GROUND FLOOR AT FORMER YMCA, 49 STEPNEY STREET, LLANELLI SA15 3YA

Applicant(s)	CARMARTHENSHIRE COUNTY COUNCIL
Agent	ASBRI PLANNING
Case Officer	Robert Davies
Ward	Elli
Date registered	23/10/2020

Reason for Committee

This application is being reported to the Planning Committee as the County Council has a significant financial interest in the application.

Site

The application site consists of the former YMCA community building, a prominent and well-known local landmark which is located at the western end of Stepney Street in Llanelli. The building itself is located between The York Palace Public House (the former Llanelli Cinema) on the one side and the Presbyterian Church and Vestry on the other. A green public space known as Spring Gardens is located opposite to the north west with Llanelli Town Hall beyond, whilst the main Council offices at Ty Elwyn are located further to the west.

The immediate locality is primarily commercial in nature with some residential uses on the upper floors characteristic of such a town centre location. A rear access lane accessed via John Street separates the application property from the commercial buildings to the south

along John Street itself, and buildings to the east at Cowell Street, which include the former Pugh's furniture store building which was converted some years ago into separate commercial uses at ground floor with residential flats above. The main retail area of Llanelli town centre is located further to the east along Stepney Street and Vaughan Street.

The building itself, which has been vacant for some time and has fallen into a state of disrepair comprises two parallel buildings. The northern section, which fronts on to Stepney Street to the north is four storeys in part and has a small basement section. It is predominantly a traditional pitched roof building with the exception of a small flat roof element on the south western side. The second part of the building is located to the rear, is two storeys in scale and also has a pitched roof design.

Vehicular access to the site is achieved via a one way system down Cowell Street and along Stepney Street which then connects up with the main A4214 at Church Street to the west. The aforementioned rear access lane from John Street provides vehicular access to the rear part of the building and is also a service lane for other properties along Cowell Street, John Street and Stepney Street. The main bus station for Llanelli is located on the eastern end of the town and is connected to the site via pedestrian footways and the pedestrianised areas of Stepney Street and St. Elli shopping centre to the east. The one-way section of Stepney Street to the north of the site is traffic calmed and provides crossing points.

The former YMCA building is well known locally and has a history dating back to its construction in the early 20th century. Its front façade is easily recognisable and has some intricate detail comprised of carved stone, detailed brick and stained glass. Since it ceased being used as a YMCA it has contained a number of separate commercial uses including small shops, café, gym and nursery.

The application site itself is located within a C2 flood zone as defined by the Development Advice Maps referred to under TAN15 'Flooding'.

Proposal

The application seeks full planning permission to retain and re-instate the front façade of the building, along with the retention of the perimeter wall and main structural walls whilst demolishing the remaining sections including the two storey rear building. In its place it is proposed to construct a four storey building that will provide five A1/A2/A3 commercial units at ground floor, five B1 office units on the first floor and eight two bedroom residential units on the upper two floors. An enclosed car parking area for 8no. cars is proposed to the rear section of the building at ground floor along with bike store and bin stores all of which are accessed from the rear lane.

The internal layout proposed at ground floor makes provision for four retail units that have individual shop fronts on to Stepney Street, whilst the fifth retail unit is located centrally within the ground floor accessed via a central entrance lobby. The existing stairwell in the front section of the building is to be retained and improved to provide access to the upper floors. An additional staircase is proposed to the rear section of the building. In addition to the aforementioned parking spaces, bike and bin stores, a plant room and lift access to upper floors is also proposed at ground floor.

The five office units to be provided at first floor, three to the front section and two to the rear are of varying sizes and are accessed off a central corridor from the stairwells and lift.

The top two floors of the proposed development consist of 8no. spacious two bedroom residential apartments, again accessed off a central corridor leading off from the stairwells and lift.

Whilst the front façade is to remain along with some of the main structural walls of the front section of the building, the existing pitched roof and chimneys on the front section are to be replaced by a contemporary fourth floor extension that will be recessed from the main front façade. This four storey development will continue all the way to the rear most part of the site with the existing two storey element to the rear being replaced by a four storey built form with a single shallow pitched roof extending from front to back. The existing brickwork, mouldings, stonework on the front façade are to be retained and cleaned along with the existing green glazed tiles to the shop fronts, whilst the stained glass arch window is to be restored. The proposed new additions are to have a contemporary look with external finishes consisting of Kingspan insulated panels of shades of green to the walls, dark grey insulated roof panels and grey aluminium windows, doors and shopfronts.

It is worth noting that a Prior Notification to demolish the elements of the existing building as referred to above was recently granted under reference PL/00721, and therefore demolition works can commence in advance of any decision being made on this planning application.

The application has been accompanied by the following supporting reports:-

- Pre-app consultation report
- Design and Access Statement
- Environmental Noise Assessment
- Construction Environmental Management Plan
- Bat Building Inspection and Bat Activity Report
- Bat Method Statement
- Flooding Consequences Assessment

The DAS submitted with the application describes The Vision of the development as follows:-

The Vision

The YMCA building was first opened on Saturday March 18th 1911, and provided a valuable service to young adults of Llanelli for most of the twentieth century.

The building has been vacant for a significant period of time, and has fallen into disrepair with broken and boarded-up windows.

Llanelli Town Centre is underperforming, with approximately 15% of the total commercial units comprising vacancies. The proposals will aid the restoration of a once thriving commercial area, creating a vibrant destination for consumers.

The redevelopment of the YMCA building has long been discussed as a key way to improve Llanelli. It is a landmark building that has great personal value to local people, and to the heritage of the town.

The vision for the site is to restore it to its former condition, creating a mixed use development with commercial elements at ground floor, and affordable residential elements above.

This will include the retention of the detailed front façade of the building, in order to pay respect to the great heritage of the site.

Planning Site History

PL/00721 - Prior Notification - demolition - part of the former YMCA building – Approved 25/11/20

D5/7585 - Change of use from YMCA office to small shop undertaking sales and small print work - Approved 01/03/1984

D5/2096 - Change of use of shop for sale of hot foods - Withdrawn

D5/1008 - Ground and first floor extension with minor internal structural alterations - Approved 08/09/1975

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP3 Sustainable Distribution – Settlement Framework

SP5 Housing

SP6 Affordable Housing

SP8 Retail

SP9 Transportation

SP13 Protection and Enhancement of the Built and Historic Environment

SP14 Protection and Enhancement of the Natural Environment

SP16 Community Facilities

SP17 Infrastructure

SP18 Welsh Language

GP1 Sustainability and High Quality Design

GP2 Development Limits

GP3 Planning Obligations

GP4 Infrastructure and New Development

H2 Housing within Development Limits

AH1 Affordable Housing

EMP2 New Employment Proposals

RT1 Retail Hierarchy

RT3 Secondary Retail Frontage

RT4 Town Centre Zone

TR2 Location of Development – Transport Considerations

TR3 Highways in Developments – Design Considerations

EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

EQ4 Biodiversity

EQ5 Corridors, Networks and Features of Distinctiveness

EP1 Water Quality and Resources

EP2 Pollution

EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways – No objection subject to conditions

Head of Public Protection – No objection subject to conditions

Head of Housing - has confirmed that the residential elements of the scheme will be owned and managed by the Homes and Safer Communities Division within the Council. These apartments will form part of the Council's housing stock and will be let as social housing at affordable rents in perpetuity.

Head of Leisure (Parks) – No response received to date.

Suds Approval Body – No objection. Advise that SAB approval is needed.

Llanelli Town Council - No response received to date.

Local Member(s) – County Councillor J P Jenkins has not responded to date.

Natural Resources Wales – No objection.

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

Dyfed Archaeological Trust – No objection.

Dyfed Powys Police (Secure by Design) – Supports the application. Has confirmed that discussions have taken place with the main contractor in terms of ensuring safety and long term security of the building for those who live and work within.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of site notices and publication in the local newspaper.

No responses have been received to date.

All representations can be viewed in full on our [website](#).

Appraisal

Principle of development

The application site is located within the defined settlement limits of Llanelli and is within the defined town centre boundary as delineated within the Adopted Carmarthenshire Local

Development Plan. As such there is no in-principle objection to the nature of the development proposed.

As aforementioned, Prior Notification approval has already been given to the part demolition of the existing vacant building.

The proposed development represents welcomed public sector intervention and investment, partly grant funded by Welsh Government, into a scheme that will deliver quality commercial units at ground and first floors that can support business start ups and create jobs, and which will also provide affordable urban living units on the upper floors. It is considered that the proposed scheme is highly sustainable, and will provide a mixture of uses appropriate to such a town centre location that will positively contribute to vibrancy and footfall within the town centre throughout the day and night.

It effectively represents an extension of the concept which has been successfully implemented at 10/12 Stepney Street, completed through the previous Vibrant and Viable Places Opportunity Street programme, and adopts the same principle as the Market Street North scheme recently approved by Members. The principles align well with the Llanelli Town Centre Local Development Order which seeks to reduce town centre vacancies and introduce uses compatible with such a town centre location.

Impact upon character and appearance of the area

As aforementioned, the current building is vacant and has been for some time, and as a result it has fallen into disrepair and is no longer fit for purpose in its current form. Whilst the building is not listed or located within a conservation area it is considered to be of local importance and character, and therefore the scale and design of any red-development scheme needs to be sympathetic to this.

The Design and Access Statement submitted with the application provides a historic appraisal of the building before going on to assess the proposals against Cadw's Conservation Principles and Heritage Values and explains the rationale behind how the design of the scheme has evolved.

The historic appraisal provided within the DAS reports that plans for a substantial building that would serve as a Young Men's Christian Association (YMCA) Hall were first published in 1909. The architect, Mr William Griffiths, and the contractor Mr T.P. Jones formed a committee in May 1909 in order to achieve funding to realise the proposal.

At the time, the project was anticipated to cost in the region of £7,000 which equates to approximately £750,000 today. The required level of funding to commence development was met.

Working class people had contributed to the funding of the building in weekly subscriptions, and this represented a development which was the 'first of its kind' in the region.

The opening ceremony took place on Saturday March 18th 1911. The first president of Llanelli YMCA, Mr W.Y. Nevill stated that Llanelli now had a building 'worthy of the name' and he hoped it would be the means of bringing together men of all classes to form a "united brotherhood".

The YMCA provided a valuable service to the young men of Llanelli for most of the twentieth century. Female members were accepted from the 1960's onwards.

The YMCA Llanelli had held a 99 year lease on the building which expired in 2008. Since then, as aforementioned a number of uses have occupied the building intermittently including a gym, creche, small retail units, a community run café and other community facilities.

Several attempts have been made to bring the building back into beneficial use, however none of the proposals have yet been realised. The building has since become disused and in desperate need of restoration. Emergency structural works have been carried out by Carmarthenshire County Council in order to prevent the building from collapse, however these works are for building retention only and were not intended to provide a future use in the building's current state.

The proposed scheme retains the detailed and recognisable main front façade of the building, and thus recognises the importance of this building in terms of its special heritage for local people. The front façade is considered to be the most important element of the building in terms of its heritage value. It is considered necessary to undertake some demolition and reconstruction works to bring the building back into beneficial use and up to modern day standards. The new elements have purposefully been designed to appear modern and contrasting to the original front façade, an approach which is considered to be acceptable instead of trying to create a pastiche.

The LPA was asked to provide some comments during pre-application discussion which contributed towards the scheme's design evolution. Some suggestions were made in terms of achieving more of a purposeful set back at third floor; having a more angled roof design; creating more detail on the shop fronts; and some comments in terms of the cladding and window designs. It is pleasing to note that these suggestions were taken on board and the are reflected in the scheme submitted for consideration as part of this planning application.

It is noted from the PAC report that CADW were consulted and raised no objection towards the proposed development. They advised that there are no scheduled monuments or other designated historic assets located within a 500m buffer of the application area. The LPA's Archaeological Advisors, Dyfed Archaeological Trust have been consulted on the application and have also raised no objection. They have advised that a photographic record of the building has been undertaken and recorded, and therefore no further action is required in order to protect the historic environment.

As aforementioned the principle of demolishing parts of the building has already been established by virtue of the prior approval decision issued. In order to achieve a successful and comprehensive re-development of this site that will benefit the town centre as a whole, it is not considered feasible or viable to convert the building in its current form.

The proposed four storey built form is considered to be acceptable in scale terms in the context of both the existing building and the immediate urban locale. The existing front part of the building with the pitched roof is of a similar scale, whilst there are similar scale buildings to the rear including the former Pugh's furniture store. As aforementioned the purposeful contemporary aesthetic to the new parts of the building is considered to be acceptable in design terms and will not detract from the primacy of the front façade of the original building.

The demolition and redevelopment of parts of the building is considered necessary and justified in order to bring the building back into beneficial use and to realise its potential as a landmark building at the heart of both the town and local community alike.

Amenity and Privacy Impacts

The application has been accompanied by a detailed Construction Environmental Management Plan which sets out the measures associated with the management of the demolition and construction phases. The CEMP explains the construction methodology, site logistics, environmental impacts and where necessary mitigation measures required in order to minimise impact.

A site layout drawing included within the CEMP indicates that a temporary site compound for the contractor will be set up on part of the green area of Spring Gardens opposite, and thus will be located away from properties. This compound will include a site office and welfare area, a material lay down and storage area, and will allow for a one way in and out arrangement to allow vehicles to offload materials. An area to the immediate front of the building will be needed for supports and scaffolding associated with the front façade retention. It is understood that this section of Stepney Street will remain open for vehicles, however at present in order to assist businesses during Covid recovery this section of Stepney Street and part of Cowell Street is currently closed for vehicles between 10am to 4pm to allow outside trade. A pedestrian diversion around the compound and around through Spring Gardens will be needed during the construction phase.

It is also understood that discussions have already taken place and continue to take place between the applicant, contractor and neighbouring businesses to ensure that the works do not adversely affect their business. Whilst it is not proposed to close off the rear access lane, it will be inaccessible during parts of the demolition and construction phases and therefore continued liaison with the public and businesses alike is proposed to keep disruption to a minimum. The CEMP advises that the responsibility for this lies with the Site Manager.

Whilst there will of course be an inevitable degree of noise and disruption during demolition and construction works, this will only be on a short term basis only. The completed development and end uses proposed are considered to be fully compatible with such a town centre location.

As aforementioned the scale and design of the proposed development is considered acceptable in principle in this locality which is primarily characterised by commercial uses with some residential on upper floors, as is proposed as part of the current scheme.

The Authority's Public Health Section advised during pre-application consultation that a Noise Assessment should be submitted with the application.

The assessment submitted concluded that with the noted building fabric construction and suitable ventilation provisions, the predicted internal noise levels due to external sources are within the criteria of British Standard 8233:2014, with 35 dB LAeq (16 hour) in the daytime rooms, and 30 dB LAeq (8 hour), 45 dB LAm_{ax} (Fast) within the night-time rooms.

In terms of the internally generated noise from the adjoining Wetherspoons PH, the predicted level via the existing structure is significantly below the criteria of BS8233:2014, and therefore the Wetherspoons internally generated noise is easily acceptable at the proposed dwellings.

The assessment noted that Wetherspoons had expressed concerns over noise impacts during the PAC consultation; although it also noted that public houses are not normally considered noise sensitive in terms of construction noise, it advised that noise limits were set for the development externally. This would ensure that constrictor noise will be suitably controlled.

The report concluded that noise can be adequately controlled and has recommended plant noise limits at the existing receivers are based on the baseline noise levels and BS 4142:2014+A1:2019.

The Authority's Public Health section has raised no objection towards the proposed development from a noise perspective subject to the imposition of conditions on any planning permission granted.

Biodiversity Impacts

The application has been accompanied by a Bat Building Inspection and Bat Activity Report and as a result of the findings from that report a Bat Method Statement has also been submitted.

The survey identified bat use within the building proposed for demolition and rebuilding. A maximum of 10 Common Pipistrelles were recorded roosting within the building. On the basis of the information submitted it is considered that a NRW development licence will be required to carry out the demolition and rebuilding works.

The licence is necessary because all British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations (2017). As the bat survey revealed the presence of bats, work will require derogation in the form of a licence from NRW, which the developer has to apply for. Before such a licence can be granted, the following tests (specified in Article 16 of the EU Habitats Directive and in regulation 55 (9) of the 2017 Regulations) must be satisfied:

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

Planning Policy Wales states that to avoid developments with planning permission subsequently not being granted a licence in relation to a European Protected Species (EPS), planning authorities must take the three requirements for a derogation into account when considering development proposals where a EPS is present and must be satisfied a where an EPS licence is required it will be granted by NRW.

Dealing with each in turn:-

- (i) there is "no satisfactory alternative" to the derogation;*

As already mentioned in this report, the building has been vacant for some time and has fallen into a state of disrepair. It is not considered feasible or viable to bring the building back into beneficial use, in accordance with modern day standards without the extent of demolition and re-construction works proposed.

(ii) the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range";

The Bat Method Statement proposes mitigation which include the installation of Bat boxes on trees within Spring Gardens prior to works commencing on the demolition of parts of the building, whilst post completion of the development Bat boxes will be retrofitted on to the final building. The Authority's Planning Ecologist has confirmed that she has no objection to this subject to the imposition of a condition on any planning permission granted which secures this scheme of mitigation. On the basis of the above report, NRW has confirmed that it does not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

(iii) the derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

In this regard the proposed development is considered to be in the public interest as the proposed development will bring a local landmark building back into beneficial use and significantly benefit the town. There are positive social and economic implications associated with the proposed development as it will provide affordable urban living opportunities and business start up and employment opportunities.

The Authority's Planning Ecologist and NRW have raised no objections subject to conditions and an advisory note relating to the EPS licence. A separate condition requiring biodiversity enhancement in the form of nesting birds mitigation has also been recommended based upon the recommendations made in the submitted reports.

Highway Impacts

Vehicular access to the site is achieved via a one way system down Cowell Street and along Stepney Street which then connects up with the main A4214 at Church Street to the west, and therefore the site is well connected to the main road network. The rear access lane from John Street will provide access to the 8no. car parking spaces proposed at ground floor within the building for the eight apartments. Given the site's proximity to local facilities and sustainable travel and the established former uses, the level of car parking proposed, coupled with the bike store is considered to be sufficient in this instance.

The site is well served by pedestrian infrastructure and is located within reasonable proximity to a number of major cycle routes including Route 4, Route 47 and the Millennium Coastal Path. The pedestrianised areas of Stepney Street and St. Elli centre to the east provide the site with suitable access to the main bus station, which is within 500m of the site and within reasonable walking distance.

The Authority's Head of Transport has raised no objection subject to the imposition of conditions on any planning permission granted.

Flood Risk Implications

Technical Advice Note 15 Development and Flood Risk (2004) aims to direct new development away from those areas that are at high risk of flooding. Those areas of high risk are defined on a series of Development Advice Maps (DAMs) which detail three principle zones, A, B, C and sub-categories C1 and C2 that should be used to trigger Flood Consequence Assessments. TAN 15 defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

The application site is located within Zone C2 which is defined as 'areas of floodplain without significant flood defence infrastructure'. The proposed development represents a mixture of highly vulnerable and less vulnerable development as defined by TAN15.

TAN15 states that highly vulnerable development should not be considered in Zone C2 and that only less vulnerable development should be considered in Zone C2 subject to the application of the justification test, including acceptability of consequences. Therefore whilst it is acknowledged that the justification test does not apply to the residential element of the scheme, it does apply to the commercial element. Therefore the report will consider the scheme against the justification tests outlined in Paragraph 6.2 of TAN15 in order to establish the degree of compliance.

Paragraph 6.2 of TAN15 reads as follows:-

6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

*i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹; **or**,*

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In relation to criterion (i), the site and development proposals do assist with the delivery, and are part of local authority strategies relating to the delivery of both affordable housing and regeneration schemes. The site will deliver 8no. affordable housing units that will contribute

to the aspirations of the Affordable Homes Delivery Plan 2016-20. From a regeneration perspective, the scheme is part of the Targeted Regeneration Investment fund programme by Welsh Government aimed at improving town centres. This is effectively a continuation of the former “Opportunity Street” programme (Welsh Government Vibrant and Viable Places) implemented along Stepney Street, whereby Carmarthenshire County Council acquired buildings and brought them back into beneficial use for commercial at ground floor and residential on the upper floors. The Opportunity Street programme is specifically referenced in “Transformations – Strategic Regeneration Plan for Carmarthenshire 2015-2030”.

Therefore the LPA considers that the proposed development will assist a local authority strategy, and thus criterion (i) is met.

The wording of Paragraph 6.2 requires only criterion (i) or (ii) to be met. Whilst the jobs created by the proposed development are welcomed and will contribute towards the job creation aspirations of Carmarthenshire County Council as outlined in its Corporate and Economic Development strategies, the LPA does not consider that the proposed development satisfies criterion (ii). There is no employment land allocation relating to this site in the LDP. Notwithstanding this fact however, as criterion (i) is met the LPA will proceed to assess the degree of compliance with criteria (iii) and (iv).

The first part of criterion (iii) refers to the aims of PPW. Paragraph 1.2 of PPW states that “the primary objective is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales”. In this respect it is considered that the proposed development does concur with the aims of PPW, especially the social and economic aspects. It also concurs with the placemaking objectives of PPW which through the creation of sustainable places will improve the well-being of communities. The proposed development will deliver an important town centre regeneration scheme that will result in both economic and social benefits to the wider community.

The second part of Criterion (iii) requires the site to meet PPW’s definition of previously developed land. Planning Policy Wales defines previously developed land as “that which is or was occupied by a permanent structure and associated fixed surface infrastructure”. In this respect the site does constitute previously developed land and therefore criterion (iii) is also met in its entirety.

The last of the criteria outlined in Paragraph 6.2 requires the potential consequences of a flooding event for the particular type of development to be considered and found to be acceptable. In this respect the application was accompanied by a Flood Consequences Assessment. This FCA has been reviewed by NRW.

The FCA states that the existing building has a finished floor level of 7.81m AOD. The current building also has a small basement area. The Lliedi river is culverted through the town centre and runs under Spring Gardens opposite the site before it re-enters open channel approximately 340m from the site at Old Castle Road. The flood risk to the site is therefore fluvial from the Afon Lliedi and not tidal.

The FCA states that the footprint of the new development does not exceed the current building footprint, and therefore there would be no increase to third party flood risk, and therefore no compensatory floor storage is required. The replacement of commercial units on the ground floor is largely on like for like basis, however there is a benefit in terms of no

basement being proposed plus the new build allows an opportunity to introduce flood resilient measures into the design.

The more vulnerable residential uses are only proposed on the upper floors in order to mitigate the risk.

Whilst there are risks to the site they are acknowledged in the FCA and through the mitigative measures outlined in the FCA there is potential to reduce the risk of flooding when compared to the existing situation.

Mitigative measures include raising thresholds as much as possible; physical internal design/flood resilience measures; producing a Flood Action Plan (including Evacuation and Safe Refuge Procedures); sign up to NRW flood warning service; only less vulnerable uses at ground floor as per the Local Development Order; no basement levels; appropriate signage including evacuation procedures.

The access and egress strategy adopted in the FCA is based on evacuation and safe refuge. The application site is within a flood alert area and the FCA states that the Afon Lliedi has approximately 12 hour response time from onset of storm, although actual warning time will be significantly shorter. The lead warning time for fluvial events is typically a couple of hours during which evacuation process could be enacted. For no notice events, the FCA states that upper floors could provide refuge.

The applicant has confirmed in writing that they acknowledge the risks of flooding associated with the site, and have also confirmed that as landlord of both the commercial and residential elements of the scheme, they will produce their own flood management plans, keep these updated and communicate these to future tenants. By only having one future landlord this will allow for a more co-ordinated approach to managing and mitigating against flood risk.

The FCA makes reference to the Llanelli Town Centre Local Development Order. The application site is within the LDO area, however it cannot benefit from the provisions of the LDO as it involves a new build development.

The LDO was informed by a strategic FCA and hydraulic model that were considered by NRW in 2018. The FCA highlighted that the majority of the LDO area was C2 and that it was at risk of fluvial flooding from the Lliedi River which runs through the town within a substantial culvert.

The FCA acknowledged the flood risks to the LDO area. It was indicated that the LDO did not comply with TAN15 tables A1.14 and A1.15, with potential flooding depths to certain areas of the town centre up to 1m in the 1:100 year event and 1.5m in the 1:1000 year event. Therefore the FCA focussed on mitigating and managing the risk from flooding, especially through the management of vulnerability groups e.g. no highly vulnerable uses at ground floor within C2 with residential on upper floors only. NRW confirmed that they would be acceptable to this form of mitigation.

NRW supported the recommendations made by the SFCA that the location of the change of use proposals is informed by the vulnerability of the proposed use and risk of flooding at that location, particularly that highly vulnerable uses are located outside zone C2 where possible. TAN15 states that highly vulnerable development should not be permitted in zone C2. Table 3 in the SFCA provides a recommendation of the suitability of development types and NRW note that for those development classes which are highly vulnerable, the development will

not be located on the ground floor or basement. Provided that proposals are in line with these recommendations NRW offered no objection to the LDO, however advised that the Authority must be satisfied that the proposal is acceptable in terms of flood risk particularly regarding access and egress considerations; and for emergency planning purposes.

Therefore whilst the FCA acknowledges, and the LPA accept that the proposed development does not comply with Paragraph 6.2 of TAN 15 in its entirety as it proposes highly vulnerable development within Zone C2, and the flood risks do not meet the requirements of Appendix 1 of TAN15, the LPA are satisfied that there are overriding reasons for considering to grant planning permission contrary to national planning policy in this instance.

The proposed development represents public intervention in the form of an important regeneration scheme that is being supported through the Targeted Investment Fund programme aimed at improving town centres in Wales. Whilst the scheme involves new build and thus cannot benefit from the provisions of the Llanelli Town Centre Local Development Order, it is considered that the proposed scheme aligns with the LDO from a flood risk perspective as only less vulnerable uses are proposed at ground floor with the highly vulnerable element on the upper floors. There are clear wider social and economic benefits associated with the proposed development.

The wholesale re-development of the site, instead of re-use allows for measures to be included within the scheme to manage and mitigate against flood risk, including the removal of the existing small basement within the building.

In their response to the application, which provides technical advice on the acceptability of flooding consequences, NRW refer to the fact that highly vulnerable development should not be permitted within Zone C2, however they note that the site is located within the Llanelli LDO area.

NRW advise that the FCA correctly identifies the flood risk to the site and acknowledges that the proposal does not meet the requirements of TAN15. The ground floor for which commercial development is proposed, and therefore no change to the existing less vulnerable use, is shown to flood to depths of 0.4m and 0.5m in the 1%+cc and 0.1% annual event probability (AEP) respectively.

Flood waters will not reach the upper floors where residential development is proposed.

Access to the site is also shown to flood and therefore consideration will need to be given to how the site can be managed should a flood event occur.

NRW note that the FCA refers to the Llanelli Local Development Order and agree that the development adheres to the agreements made in this document from a flood risk perspective. NRW would be in favour of the recommendations to install flood mitigation and resilience measures where possible as part of the redevelopment, and that a flood management plan for the site is developed along with sign up to the NRW Floodline service.

Whilst the site does not comply with TAN15 as it is proposing highly vulnerable development within zone C2, NRW do acknowledge the location within the Llanelli Local Development Order and can advise that the development complies with the flood risk criteria within this agreement.

On the above basis, NRW has raised no objection towards the proposed development on flood risk grounds.

Drainage

In terms of drainage, the application has been accompanied by a drainage layout drawing and information in terms of historic and proposed foul and surface water flows. Notwithstanding this, as the proposed development is over 100sqm it is understood that separate SAB approval will be needed and this will need to be discussed separately with the SAB team.

In terms of the existing and historic situation, it is estimated that the foul flows associated with the various commercial uses made of the building were slightly higher than that now proposed as part of the current development. As such the Drainage Engineer opines that there is no additional foul loading of the sewer over and above the previous situation, and foul sewerage will continue to be discharged to the mains sewer which is considered to be the most appropriate and sustainable method.

It is understood that surface water runoff from the building currently enters the combined sewer at an unattenuated rate. Due to the constrained nature of the site within an urban setting there is no alternative means of disposing surface water, however the re-development of the site does provide an opportunity to reduce the rate of runoff to the sewer. The proposed drainage layout makes reference to a proposed linear channel to the rear of the building and surface water only drains, that will be directed to an attenuation tank below the rear parking area. This attenuation tank will reduce the runoff rate down to 1lit/sec. Based on a 180min storm event, the existing 2yr runoff rate for this contributing area equates to 1.7lit/sec and the equivalent 100yr return period is 5.4lit/sec, as such significant betterment is achieved.

The proposed surface water strategy is considered acceptable in principle, subject to any separate consents required under SAB legislation, and will ensure that there is an improvement over the existing situation by reducing the speed of runoff to the main sewer. This along with the fact that it is estimated that the proposed development will create less foul sewerage than the historic position in the LPA's opinion evidences compliance with the CBEEMS Memorandum of Understanding. The Authority's Drainage Register will be updated accordingly.

Air Quality

Whilst the application site is located within the Llanelli Air Quality Management Area, the Authority's Environmental Health Officer dealing with air quality matters has advised that considering the scale of development proposed it is not considered likely to have significant adverse impact on air quality. As such, an Air Quality Assessment has not been requested of the applicant.

The EHO has welcomed the bike store to encourage the use of sustainable modes of travel. The travel routes for HGV vehicles associated with the demolition and construction phases of the development as outlined in the Construction Environmental Management Plan, which avoid Thomas Street and the lower section of Felinfoel Road are welcomed.

The aforementioned CEMP also includes measures proposed to suppress dust generated during the demolition and construction phases. It is recommended that a condition is

imposed to ensure that the development is undertaken in strict accordance with the measures set out in the CEMP.

Other Matters

The Authority's Strategic Housing Delivery Manager has confirmed that the residential elements of the scheme will be owned and managed by the Homes and Safer Communities Division within the Council. These apartments will form part of the Council's housing stock and will be let as social housing at affordable rents in perpetuity. The homes will be allocated to local people from the Council's waiting list. This provides acceptable confirmation that the affordable housing requirements of the LDP are met by the proposals.

Planning Obligations

There is no S.106 required in this instance.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

The determination of such a planning application is to be made in accordance with the development plan, unless material considerations indicate otherwise. The appraisal has shown that the proposed development accords with the majority of LDP policies, however as it does not strictly comply with TAN15, Policy SP2 of the LDP is not adhered to.

In this respect, and as with all planning applications, an on-balance decision must be made taking into consideration a number of factors.

The Welsh Government in Chapter 5 of PPW defines Economic Development as:

“the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.” (Paragraph 5.4.1)

It goes on to state that:

“Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy” (Paragraph 5.4.2)

Paragraph 5.4.4 states that:

“Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration...”

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

The positive economic and regeneration benefits of this proposed development are important material considerations in the determination of this application. It involves the re-development of a brownfield site within a sustainable town centre location, and will reduce vacancy levels. There are also clear social benefits associated with the delivery of affordable residential units and business start up opportunities, and environmental enhancements by removing parts of a vacant building and replacing it with a new development up to modern day standards, albeit retaining the original front façade of this iconic local building.

The size, scale and design of the proposed development is considered acceptable, and the contemporary design solution to the new build element is considered appropriate as it will clearly contrast with the original historic front façade, telling a story as to how the building has evolved over time. The new build element is recessed and appears subservient to the historic element to be retained.

The commercial use proposed at ground and first floors with residential above are considered appropriate for this location. The investment in this area of town, and specifically into this historic building is welcomed, and will add to the vibrancy and footfall in this area.

It is considered that there are no loss of amenity issues associated with the proposed development, whilst the LPA has not received any statutory consultee objections.

Notwithstanding the identified conflict with Policy SP2 of the LDP and TAN 15, it is considered that there are benefits associated with the proposed development in terms of managing and mitigating flood risk in comparison to the existing situation. In considering this, and all other material considerations, it is considered that the proposal does comply with the LDP as a whole.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date, the application is put forward with a recommendation for approval subject to the following conditions.

Conditions and Reasons

Condition 1.

The development hereby approved shall be commenced before the expiration of five years from the date of this permission.

Reason:

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2.

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:

- Curtain wall schedule plans 1:25 @ A1 (2316-19) received 19th November, 2020

- Building Survey Plan (Elevations) 1:100 @ A1 (TRJ/YMCA/B01) received 19th November, 2020
- Building Survey Plan (Elevations) 1:100 @ A1 (TRJ/YMCA/B02) received 19th November, 2020
- Building Survey Plan (Elevations) 1:100 @ A1 (TRJ/YMCA/B03) received 19th November, 2020
- Building Survey Plan (Elevations) 1:100 @ A1 (TRJ/YMCA/B04) received 19th November, 2020
- Building Survey Plan (Elevations) 1:100 @ A1 (TRJ/YMCA/B05) received 19th November, 2020
- Proposed Elevations Plan 1:100 @ A1 (2316-09 Rev F) received 19th November, 2020
- Enlarged 3rd floor balustrade detail plan 1:20 @ A2 (2316-32) received 19th November, 2020
- Existing location and block plans 1:1250; 1:500 @ A3 (2316-01) received 16th October, 2020
- Proposed location plan and block plans 1:1250; 1:500 @ A3 (2316-02) received 16th October, 2020
- Existing ground floor demolition and retention plan 1:50 @ A1 (2316-21) received 16th October, 2020
- Existing first floor demolition and retention plan 1:50 @ A1 (2316-22) received 16th October, 2020
- Existing second floor demolition and retention plan 1:50 @ A1 (2316-23) received 16th October, 2020
- Existing third floor demolition and retention plan 1:50 @ A1 (2316-24) received 16th October, 2020
- Existing drainage layout plan 1:100 @ A1 (C-SK01) received 16th October, 2020
- Proposed ground floor plan 1:50 @ A1 (2316-05 E) received 16th October, 2020
- Proposed first floor plan 1:50 @ A1 (2316-06 C) received 16th October, 2020
- Proposed second floor plan 1:50 @ A1 (2316-07 E) received 16th October, 2020
- Proposed third floor plan 1:50 @ A1 (2316-08 E) received 16th October, 2020
- Proposed visualisations @ A2 (2316-10 B) received 16th October, 2020
- Vehicle Tracking Analysis 1:500 @ A3 (C-SK03) received 16th October, 2020
- Proposed drainage layout plan 1:100 @ A1 (C-SK02 Rev A) received 26th November, 2020

Reason:

In the interest of visual amenity.

Condition 3.

Prior to work commencing on the construction of the building hereby approved samples of the materials to be used in the construction of the external surfaces of the buildings must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of visual amenity.

Condition 4.

The planning permission hereby approved is for the use of the ground floor of the building for A1, A2 or A3 uses as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason:

For the avoidance of doubt as to the extent of this planning permission.

Condition 5.

The development hereby approved is to use the first floor of the building as Offices only and for no other purpose including any other purpose in Class B1 of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without variation.

Reason:

In the interest of preserving amenity and so as to remain within the Use Class specified in the General Development Order.

Condition 6.

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason:

In the interest of highway safety.

Condition 7.

Prior to the beneficial occupation of the development hereby approved a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.

Reason:

To encourage sustainable modes of travel.

Condition 8.

Prior to the operation and beneficial occupation of the proposed development, all mitigation works as specified in sections 6.3.1 and 8 of the Environmental Noise Assessment undertaken by Acoustic Consultants Ltd (Ref No 8586/BL) dated the 1st October 2020 shall be undertaken in strict accordance with that report. Written confirmation of the implementation of the mitigation works received from a suitably qualified acoustic engineer (person to be agreed with the LPA) shall be submitted to and agreed in writing by the LPA prior to the operation and beneficial occupation of the development.

Reason:

In order to preserve residential amenity.

Condition 9.

During the demolition and construction phases, no noise generating works or demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays. As the proposed developments are situated in a mixed residential area, it is recommended to minimise noise disturbance that the construction work be undertaken in compliance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise Code of practice for noise and vibration control on construction and open sites. Vibration and/or its subsequent amendments. and BS 5228-1:2009+A1:2014.

Reason:

In order to preserve residential amenity.

Condition 10.

The rating level of sound emitted from any fixed plant or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.

Reason:

In order to preserve residential amenity.

Condition 11.

If a justifiable complaint is received, within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in condition 10. The assessment shall be undertaken under the supervision of the Local Authority.

Reason:

In order to preserve residential amenity.

Condition 12.

In the event that Condition 10 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 10. These measures will then be implemented forthwith.

Reason:

In order to preserve residential amenity.

Condition 13.

The proposed residential accommodation shall be designed so as not to exceed the noise criteria based on current figures by BS8233:2014 “good” conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)

Reason:

In order to preserve residential amenity.

Condition 14.

The development hereby approved shall be undertaken in strict accordance with the Construction Environmental Management Plan produced by TRJ Version 001 September, 2020 and received by the Local Planning Authority on the 16th October, 2020.

Reason:

In order to minimise environmental impact and ensure that the amenity of local residents/businesses are adequately protected during demolition and construction works.

Condition 15.

The development shall be undertaken in strict accordance with the proposed mitigation measures contained within the Bat Method Statement produced by Bay Ecology dated 13th October, 2020 and received by the Local Planning Authority on the 16th October, 2020. These measures need to be in place prior to the beneficial occupation of the development hereby approved.

Reason:

In the interest of protected species.

Condition 16.

The development shall be undertaken in strict accordance with the nesting birds recommendations made in Section 5.3 of the Bat Building Inspection and Bat Activity Report produced by Bay Ecology dated 3rd July, 2020 and received by the Local Planning Authority on the 16th October, 2020. Full details of a scheme of the referenced house martin, house sparrow and swift nesting enhancement locations must be submitted to the LPA prior to the commencement of construction works on the development and thereafter implemented as approved prior to the beneficial occupation.

Reason:

To deliver biodiversity enhancement as required under the Environment Act Wales 2016.

Condition 17.

The 8 affordable housing units hereby approved shall be provided and retained in perpetuity in strict accordance with the details provided in the email from the Strategic Housing Delivery Manager dated the 25th November, 2020.

Reason:

To ensure compliance with Policy AH1 of the LDP.

Condition 18.

The development should be undertaken in strict accordance with the recommendations made in Section 5 the Flood Consequence Assessment report received on the 9th November, 2020.

Reason:

To manage and mitigate against the risk of flooding to the site.

NOTE(S)

- 1 Warning: a European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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

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

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

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