

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a
Chynaliadwyedd
Lle a Seilwaith**

**Report of the Head of Place
and Sustainability
Place and Infrastructure**

25/04/2024

**I'W BENDERFYNU
FOR DECISION**

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:	25.04.2024
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/05597	Erection of a freestanding drive thru/restaurant, car parking, landscaping and associated works, including Customer Order Displays (COD), Play Frame and minor works to Tesco car park, including relocation of trolley bay and white line changes at Tesco Car Park, Ffordd William Walker, Ammanford, SA18 2LR
PL/06623	Cessation of all use as a public house and the consolidation of the current residential component into 2 no. self contained 2 bed houses at Angel Inn, Salem, Llandeilo, SA19 7LY
PL/06638	Construction of 38 dwellinghouses and 4 residential flats, with formation of access, estate roads and associated infrastructure at Land part of Wern Fraith Farm, Porthyrhyd, Carmarthen, SA32 8PT
PL/07200	Installation of additional drainage apparatus to facilitate the disposal of surface water from an adjacent residential development at Land part of Wern Fraith Farm (adjacent to garage), Porthyrhyd, Carmarthen, SA32 8PJ

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
PL/06972	Proposed erection of a single dwelling at Land adjacent to Addewid-Haf, Capel Iwan, Newcastle Emlyn, SA38 9NH

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/05597
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Application Type	Full planning permission
Proposal	Erection of a freestanding drive thru/restaurant, car parking, landscaping and associated works, including Customer Order Displays (COD), Play Frame and minor works to Tesco car park, including relocation of trolley bay and white line changes
Location	Tesco Car Park, Ffordd William Walker, Ammanford, SA18 2LR

Applicant(s)	Other .McDonald's Restaurants Ltd
Agent	Mr Benjamin Fox Planware Ltd
Officer	Andrew Francis
Ward	Ammanford
Date of validation	29/03/2023

Reason for Committee

The application has generated more than 5 letters of objection.

Site

The application site is proposed within a section of the existing Tesco supermarket car park, positioned beside the Petrol Filling Station. It is bordered by the Amman Valley railway line to the west and the River Amman to the east, clearly demarcating its boundaries. The immediate vicinity consists of a mix of residential and commercial properties.

According to the Carmarthenshire Local Development Plan (2014), the site is designated within Ammanford Town Centre and holds a strategic role in the town's urban layout. Situated south of A474 Ffordd William Walker, near a busy roundabout leading the A474 north onto Heol Brulliet and Foundry Road, close to the existing level crossing over the railway line at Ffordd William Walker.

While the railway line is generally quiet, traffic congestion is common along the A474 in the Ammanford area. Particularly high traffic volumes are observed on Fridays (17:00 – 18:00) and Saturdays (13:00 – 14:00), with queues at key junctions reported by the Transport Note submitted by Hydrock.

The nearby A483 Trunk Road connects Pont Abraham Roundabout to Llandeilo and beyond, with recent improvements made to enhance traffic flow at the junction with the A474. Various traffic management strategies have been explored in the past decade without implementation.

The proposed site itself is mostly flat, with a distinct boundary marked by a red line. Spanning approximately 160 metres in length and 66 metres in width, the site covers an area of around 4950 square metres (0.495 Ha or 1.22 acres). Access points and parking areas are integrated within existing infrastructure used by the supermarket and petrol station.

Proposal

An application is being made for the development of a standalone fast-food restaurant measuring 377 sq. m. This proposed establishment will include a drive-through, parking facilities, landscaping, customer order displays (COD), and a play frame. It is intended for both on-site and off-site consumption of hot food and beverages, falling under Use Class A3 of the Use Classes Order.

Prior to submitting this application, a formal Statutory Pre-Application was completed in late 2021 (PRE/00738), which influenced the overall scope of this application and its supporting reports.

The design of the structure is typical of modern McDonald's restaurants, with a flat-roofed modular design. The exterior will feature various material finishes, including grey cladding, timber-effect cladding on feature panels, and jet-black aluminium windows and doors.

The building will reach a maximum height of 5.83 metres, with four height reductions along its 33.45-metre length. It will be 14.2 metres wide, with small canopies extending the building's dimensions.

Inside, there will be a dining area (78 sq m), a public/queuing area (46.4 sq m), restrooms, a serving area, a kitchen, crew rooms, storerooms, freezer and chiller rooms, and a waste management corral area. The kitchen, staff, and back-of-house areas will total 197.9 sq m. The restaurant will provide seating for 76 customers, with various seating types and table sizes. Additionally, there will be an external play area on a patio for young customers.

Vehicle access to the application site will be provided through a designated road located southwest off the A474 Ffordd William Walker/Heol Brulliet roundabout, running parallel to the River Amman and serving the existing Tesco car park. Minor adjustments will be made to the current access points utilised by the Tesco Store off Ffordd William Walter and the access road along the River Amman. Pedestrian access will be improved with updated and enhanced crossing points in the vicinity.

The site will feature 33 parking spaces, consisting of 19 general customer spaces, 3 electric vehicle charging spaces, 2 disabled customer spaces, 2 reserved spaces for the Drive-Thru operation, and 7 staff spaces. Additionally, there will be a designated commercial area for servicing operations, 4 delivery bays for delivery drivers, and 8 spaces for bicycles.

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

- Transport Assessment (TA)
- Travel Plan (TP)
- Transport Note (TN)
- Delivery Servicing Management Plan
- Flood Consequence Assessment (FCA)
- Lighting Assessment (LA)
- Noise Impact Assessment (NIA)
- Preliminary Ecological Assessment (PEA)
- Supporting Statement
- Phase 1 Desk Study
- Biodiversity Net Gain Design Stage Report (BNG)
- Odour Control Assessment (OCA)
- Associated Plans and Drawings

The **Travel Plan** (TP) submitted initially assesses the transportation impact of the proposed development on the surrounding road network, taking into account the existing supermarket, railway level crossing, and proximity to the town centre. The primary goal of the TP is to reduce single car occupancy and promote sustainable modes of travel.

The TP predicts that during peak hours on Saturdays, the proposed restaurant would see 117 arrivals and 128 departures. Additionally, it is estimated that on Fridays, 43% of visits to the restaurant would be new trips, with the remaining 57% being existing road users. This ratio is expected to decrease on other days of the week, resulting in a lower number of new trips. Despite some junction arms at the roundabout currently operating at a capacity higher than the desired 0.85 RFC (Road Flow Capacity), none exceed a value of 1.0. It is important to note that these junction arms have exceeded the capacity in previous base scenarios as well. The TP concludes that the development is not likely to have a significant impact on the road network, as the roundabout already operates at or near its desired capacity before accounting for McDonald's traffic. The assessment and modelling indicate that all junction arms would operate below the maximum capacity of 1.0.

To ensure efficient travel operations at the site, the position of Travel Plan Coordinator (TPC) will be implemented. The responsibilities of the TPC include:

- Overseeing the development and implementation of the Travel Plan.
- Promoting the benefits of Travel Planning.
- Providing current travel and transport information to all employees.
- Serving as the main point of contact for employees seeking travel-related information.
- Potentially organizing an employee travel forum.
- Conducting travel surveys to evaluate the effectiveness of Travel Plan measures.
- Collaborating with officials at Carmarthenshire County Council.
- Furnishing annual reports that detail the Travel Plan, its initiatives, and outcomes.

The interim Travel Plan Coordinator for McDonald's Ammanford will be Hydrock Transport until a permanent staff member is appointed.

The **Transport Note** (TN) provides updates to the initial **Transport Assessment** (TA) in response to feedback from the Head of Transport. The TN highlights that pedestrian access to the application site is primarily suggested from the north/north-west, with limited consideration for access from the north-east and east. Concerns were raised regarding the lack of pedestrian site permeability and the indirect routes pedestrians, including school children, must take to reach the restaurant. There is currently an existing active route along

the riverbank to the east, but it is not properly linked to provide adequate access to the wider highway network. The possibility of pedestrians crossing drive-thru lanes as a shorter route poses safety risks, indicating a need for improvements such as upgraded footpaths, crossings, and minor changes to kerbs. While proposed fencing and guard rails are intended to discourage unsafe shortcuts, further enhancements are necessary to ensure safe and convenient pedestrian access to the site from various directions.

The **Delivery and Servicing Management Plan** emphasizes the importance of health and safety in delivery management, with regular reviews to ensure compliance. The plan aims to facilitate safe and efficient servicing in customer car parks during designated hours, utilising proven methodologies from the UK. The site layout includes parking areas, tarmac and concrete surfaces, drive-thru lanes with charcoal imprinted concrete, and pedestrian guarding.

Furthermore, the document outlines the relocation of current facilities, such as the trolley bay, and the addition of new EV bays and charging points. It highlights the use of high visibility clothing for staff during deliveries and the involvement of McDonald's UK delivery agent. While the plan effectively describes delivery and servicing procedures at McDonald's Ammanford, it lacks detailed operational procedures and potential challenges. More information on waste management, contingency plans, and a timeline for implementing the site layout and parking provisions would be beneficial. An in-depth analysis of environmental impacts and community engagement strategies could also enhance stakeholder satisfaction and promote sustainable practices at the site.

The Flood Consequence Assessment (FCA) has been submitted for the site's location within Zone C2 of the Development Advice Maps and Rivers and Sea Flood Zone 2 of the Development Maps for Planning. The site is located approximately 40 meters west of the River Amman. The proposed development is not defined as a Highly Vulnerable Development.

The flood risk assessment conducted by Hydrock Consultants indicates a complex scenario for the application site. In the event of a 1:100 year flood event with a 30% allowance for climate change, the site may experience flooding at shallow depths, typically around 3cm, but up to 21cm at the site's southern access with the Tesco car park. In a 1:1000 year flood event, the site is predicted to flood to a typical depth of 10cm, with a maximum depth of 39cm.

To address these risks, the building's design has been adjusted to raise the finished floor level to 32.95m AOD and incorporate flood resilience measures to minimise damage during a flood event. The development of the site will not result in a loss of floodplain storage or potential flooding elsewhere.

Ultimately, the report supports the justification of the proposed development at its current location, as it has acceptable consequences of flooding and has implemented measures to ensure safety and minimise impact on flood risk in the surrounding area.

The **Preliminary Ecological Appraisal (PEA)** Report for the site provides essential baseline ecological information necessary for assessing potential impacts of a proposed development. The report describes the site's current conditions, including habitats such as tarmac car parks and modified grassland. It identifies species of ecological significance present on the site, such as birds including Robin, Great Tit, Dunnock, Wren, and Blackbird. The report highlights high-risk ecological concerns that require attention, such as the

absence of suitable habitat for priority species like otters and bats. Recommendations for enhancing biodiversity net gain are suggested, including options for bat-friendly lighting and bird boxes. Additionally, legal protections for species such as Badgers are discussed, respecting the importance of complying with relevant legislation to protect these species.

The Biodiversity Net Gain Assessment (BNG) has been conducted to evaluate the impact of the proposed development on biodiversity. According to the calculations, there will be a net gain of 1754.45% for area habitats, increasing from a baseline of 0.0098 biodiversity units (BU) to 0.1710 post-development BU.

The current site, which mainly consists of a tarmac car park and footway, presents opportunities for improved landscaping and biodiversity enhancement through the proposed development with additional soft landscaping. The submitted plans would indicate the site would result in a net gain of 0.1618 BU.

In addition, specific measures for enhancing biodiversity, such as installing bat and bird boxes and implementing a Construction Ecological Management Plan (CEMP) to protect the River Amman, are recommended which would allow the proposed development to improve upon the low baseline score and exceed national targets.

The **Phase 1 Desk Study** submitted by Hydrock Consultants provides an analysis of the geo-environmental and geotechnical risks associated with the proposed development. The study examines historical land uses, potential sources of contamination, and geological features in proximity to the site. It addresses coal mining risks, mine gas, and mine water treatment considerations, as well as potential environmental liabilities related to soil, water, and gas. The report recommends further investigation, including soil infiltration rate testing, chemical and geotechnical laboratory testing, and updates to the Ground Model and Geotechnical Risk Register. It also includes recommendations for mitigating risks and ensuring the site is suitable for use. The report acknowledges limitations in the data collected and emphasizes the importance of ongoing monitoring and assessment. It advises that a Phase II Report is to be submitted, but this has not been provided at the time of writing. As a result, the Coal Authority maintain an objection as the Phase 1 Desk Study does not contain sufficient information to fully assess historic coal mining risk. Based on the findings, it is unlikely that the site will be classified as Contaminated Land.

The **Noise Assessment** submitted initially evaluates the effects of the development on nearby residential properties in the Carregamman Estate. This assessment follows the methodology outlined in BS 4142:2014+A1:2019 and includes findings from an environmental noise survey, analysing noise from fixed plant equipment, drive-thru activity, and car parking. The assessment references the WHO Environmental Noise Guidelines and establishes criteria for acceptable noise levels. It determines that the operation of the McDonald's restaurant and drive-thru is not expected to negatively impact residents' quality of life, providing specific limits for noise levels from fixed plant equipment to ensure compliance. Overall, the report offers a comprehensive examination of noise sources, predictions, and mitigation measures to address potential noise concerns related to the proposed development. It concludes that there will be no significant impact on the living conditions of the properties in question and recommends imposing a condition to ensure that any plant or machinery operates below specified volume limits at designated times. In response to queries and feedback from the Public Protection Department, the Noise Assessment Consultants have submitted an updated response addressing raised concerns. The document outlines strategies for managing Anti-Social Behaviour (ASB) in McDonald's

restaurants, underscoring the importance of collaborations with local authorities and the police, which fall outside the purview of planning legislation.

The **Supporting Statement** serves as a comprehensive document outlining the rationale for the proposed scheme. It highlights the positive impact of introducing approximately 120 new full and part-time job opportunities to the local area, which will further stimulate economic growth. Recent data indicates that McDonalds has contributed significantly to the economy in Carmarthenshire, with a total of £4.78 million. This proposed restaurant in Ammanford aims to build upon this contribution.

The Supporting Statement for the McDonald's restaurant proposal in Ammanford provides an overview of the of the project, including site evaluation, development specifics, and sustainability considerations.

Planning Site History

E/31750 - The proposal is for the alteration to the Tesco store vehicular access. The proposal will see an additional access to the store located on the Tesco access road, along the eastern boundary of the car park - Full Granted - 28/4/2015

E/25301 - Removal of condition no. 5 of planning permission e/18772 approved on 02/03/2009 for replacement class a1 food store, car parking, cycle path and ancillary works (resubmission of E/24850 refused on 21/07/2011) - Removal / Variation of Condition Granted - 30/9/2011

E/24850 - Removal of condition 5 (implementation of proposed pedestrian crossing) and variation of condition 6 (provision of car parking spaces and cycle-lock up facilities) of planning permission E/18772 - Removal / Variation of Condition Refused - 21/7/2011

E/24894 - Advertisement signs for car park, store and petrol filling station - Advertisement Granted - 19/7/2011

E/24535 - Discharge of conditions 19 (appropriate flood warning notices) & 20 (trolley control system) at replacement class a1 store, car parking, cycle path and ancillary works - Discharge of Planning Condition Granted - 10/5/2011

E/23979 - Installation of staircase to provide access to roof plant - Full Granted - 22/12/2010

E/24014 - Installation of chp unit - Full Granted - 22/12/2010

E/23924 - Replacement class a1 store, car parking, cycle path and ancillary works - discharge of conditions 11 and 18 of planning consent E/18772 - Discharge of Planning Condition Granted - 16/12/2010

E/22886 - Discharge of condition 11 of planning permission E/18772 - Discharge of Planning Condition Refused - 16/9/2010

E/22605 - Discharge of condition 17 of planning permission E/18772 - Discharge of Planning Condition Granted - 3/6/2010

E/22604 - Discharge of conditions 7, 8, 14, 16 and 26 of planning permission E/18772 - Discharge of Planning Condition Granted - 5/5/2010

E/18772 - Replacement class a1 food store, car parking, cycle path and ancillary works - Full Granted - 5/6/2009

E/08583 - Advertisement hoarding for car park garden marquee - Advertisement Refused - 31/5/2005

E/08584 - Car park garden marquee - Full Refusal - 31/5/2005

P6/2547/76 - Proposed Kitchen, Sunlounge and Utility Room Extension - Granted – 29/11/1976

P6/122/96 - Withdrawn – 19/03/1996

P6/137/96 - Foodstore with Car Parking, Recycling Point, Petrol Filling Station, Relief Road and Landscaping - Granted – 17/07/1996

P6/640/95 - Foodstore with car parking and petrol filling station - Granted – 04/01/1996

P6/123/96 - Withdrawn – 19/03/1996

P6/136/96 - Foodstore with Car Parking, Recycling Point, Petrol Filling Station, Relief Road and Landscaping - Granted – 19/03/1996

PA/12715 - Proposals for 4 x portacabins / alt uses at part car park (car rental, cleaning, tyres, 'We Buy Any Car') (TIC RDE6) - Not Yet Decided - //

Planning Policy

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

SP1 - Sustainable Places and Spaces

SP2 - Climate Change

SP3 - Sustainable Distribution- Settlement Framework

SP8 – Retail

SP9 – Transportation

SP12 – Waste Management

SP14 - Protection and Enhancement of the Natural Environment

SP17 - Infrastructure

GP1 - Sustainability and High Quality Design

GP2 - Development Limits

GP3 – Planning Obligations

GP4 – Infrastructure and New Development

RT1 – Retail Hierarchy

RT4 – Principal Centres (Growth Areas): Town Centre Zone

TR1 – Primary and Core Road Networks

TR2 – Location of Development – Transport Considerations

TR3 - Highways in Developments – Design Considerations

EQ4 - Biodiversity

EP2 – Pollution

EP3 – Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#) – Specifically, Planning Obligations (adopted December 2014), Placemaking and Design (adopted September 2016), Nature Conservation and Biodiversity (Draft).

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government. Of these, TAN 4: retail and commercial development (November 2016), TAN 7: outdoor advertisement control (November 1996), TAN 11: noise (October 1997), TAN 12: Design (March 2016), TAN 15: development and flood risk (2004), TAN 18: transport (March 2007) and TAN 23: economic development (February 2014) are considered relevant.

Summary of Consultation Responses

Head of Transportation & Highways – Following careful consideration of the amended information, offers no objections, recommends the imposition of conditions.

Network Rail – No objections to the proposal. Advises that Any works on this land will need to be undertaken following engagement with Network Rail’s Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a BAPA agreement, if required, with a minimum of 3 months’ notice before works start. Additionally advises on set distances and heights of building/engineering operations and fencing based on the boundary with Network Rail’s land.

Coal Authority – Objects to the proposal as the currently submitted Phase 1 Desk Study does not contain adequate information and the advised Phase II Report has yet to be submitted.

Head of Public Protection – Has responded in relation to a number of considerations.

- Noise – Having considered the findings of the noise impact assessment submitted with the application, they have raised no objection to the application subject to the imposition of suitable conditions relating to the level of noise from the plant associated with the development.
- Air Quality – Has confirmed that the development will not have an adverse impact on air quality in the surrounding area.
- Ground Contamination – No objection based on the former and current uses of the site.
- Other Matters - Comments are made in relation to matters such as kitchen extraction systems which are covered by separate legislation.

In summary, Offers no objection to the proposal, recommends the imposition of conditions.

Ammanford Town Council – Objects to the proposal for the following reasons:

- Current infrastructure causing traffic congestion, pollution, and safety concerns.
- Proposed location detrimental to residents and town due to high traffic volumes and negative impact on surrounding area.
- Loss of privacy for residents.

- Noise, disturbance, and odours from proposed development harmful to residents' wellbeing.
- Potential negative impact on employment if other outlets close.
- Negative reputation of fast-food outlets for litter, noise, and anti-social behaviour.
- Request for financial contributions to mitigate litter and environmental impact.

Should the proposal be granted, it would be expected the following conditions/requirements would be placed upon the development:

- Proposed closing time of midnight instead of 24-hour operation.
- Installation of 2.5m high solid fence along railway boundary to mitigate noise.
- Daily litter patrols over 300m area with additional bins and regular emptying.
- Car registration numbers on packaging for litter control, funding for additional bins across community.
- Subsidised car parking in CCC run car parks for next 10 years to offset loss of free parking facility.

Police Liaison Officer – No comments received to date.

Local Members - Councillor D E Harries and Councillor C Evans have both objected to the proposal, with their points summarised below:

- Severe congestion due to increased traffic flow.
- Air pollution from idling cars in the drive-thru.
- Adverse effects on nearby residential housing with 24/7 operation.
- Lack of specific noise pollution report from council team.
- Nuisance from odours coming from site.
- Negative impact on existing food outlets in Ammanford.
- Increased littering in area and surrounding thoroughfares.
- Conflict with local development plan policies.
- Tesco car park is nearly full everyday, the removal of spaces will create a more crowded situation

Natural Resources Wales – No objections, recommends the imposition of planning conditions.

Dwr Cymru/Welsh Water – No objections, recommends the imposition of planning conditions.

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

Summary of Public Representations

The application was the subject of notification by way of a number of Site Notices erected around the site.

As a result of the publicity exercise, a large volume correspondence has been received, with 316 unique representations were received in total; 305 from the public from individual addresses. Of these, 206 responses received have objected to the proposal and 99 responses received have supported the proposal.

Given the number of objections received the matters raised objecting to the proposal are summarised as follows:

- Littering and environmental impact: 11 objections
- Traffic congestion and access issues: 10 objections
- Noise pollution and disturbance: 8 objections
- Negative impact on local businesses: 7 objections
- Promotion of unhealthy eating habits: 5 objections
- Potential increase in anti-social behaviour: 4 objections
- Concerns about light pollution: 2 objections
- Impact on small businesses and potential job losses: 2 objections
- Impact on wildlife and natural surroundings: 1 objection
- Specific objection to the location near residential areas: 1 objection
- Need for a bespoke assessment: 1 objection
- Visual impact and town aesthetics: 1 objection
- Importance of making the right decision for the town's well-being: 1 objection
- Support for healthy eating initiatives: 1 objection
- Concerns about NHS implications: 1 objection

The matters raised supporting the proposal are summarised as follows:

- Benefits outweigh negatives, providing stability and jobs for 50+ staff. (3 mentions)
- Encourages footfall and employment in Ammanford. (3 mentions)
- Offers quick, affordable food for locals and passersby. (2 mentions)
- Creates value job experience for young people. (2 mentions)
- Addresses traffic concerns and waste management. (2 mentions)
- Welcomed addition for employment and community development. (2 mentions)
- Addresses cost of living crisis with affordable options. (1 mention)
- Provides a lifeline for the stagnant town with job opportunities. (1 mention)
- Supports tourism, job creation, and town growth. (1 mention)

In addition to the above, the Local MP, AM, neighbouring MP and Local Members have all commented on the application.

Local MP Jonathan Edwards objects to the proposal, with the following summarised points:

- Concerns regarding congestion at the junction
- Concerns about air quality due to increased congestion
- Worries about potential light and noise pollution for nearby residential area
- Small local businesses concerned about negative impact on business
- Concerns about impact on child obesity crisis
- Residents worried about increased rubbish and impact on local environment
- Overall objection to the application due to lack of support from local community.

Local AM Adam Price also objects to the proposal, with the following summarised points:

- Concern about increased traffic with potential 24/7 drive-thru restaurant
- Area already experiencing high traffic levels
- Potential for dangerous traffic levels and impact on air quality
- Concern about light and noise pollution for residential area.

Neighbouring MP, Dame Nia Griffith DBE also objects to the proposal, with the following summarised points of objection:

- Applicant's Highways Assessment report states proposed development increases traffic
- Applicant's highways report states existing junction at site already over capacity
- Development would impact safety of existing road network
- Increase of traffic and vehicles queuing in 'Drive-thru' will impact air quality
- Applicant's Odour Control Assessment calculates overall odour risk rating as 'High'
- Proposed development within 50 meters of domestic dwellings
- 'Drive-thru' will operate 24 hours a day, increasing light and noise pollution
- Development conflicts with Policies GP1, EP2, and TR1 of Carmarthenshire County Council's Local Development Plan
- Carmarthenshire County Council's Pollution and Wellbeing Team currently unable to provide bespoke response on noise
- Additional traffic, queueing, air pollution, 24-hour opening, noise and disturbance will be detrimental to quality of life and business operations, urge committee to refuse application.

Neighbouring Local Member, B Jones (Betws Ward) also objects, raising the summarised points of objection:

- The location is unsuitable
- Too much traffic already, will only make it worse
- Would reduce parking for the Tesco store
- Would cause noise and litter, which already a big problem in Betws
- Too close to existing houses.

Neighbouring Local Member, K Madge (Garnant Ward) also objects, raising the following summarised points of objection:

- A 24 hr drive through would reduce parking for the Tesco store
- The development would cause litter in the valley and Ammanford
- The 24hr drive through would damage local food businesses and lead to job losses
- Concerns about the impact on people's health and exacerbating the poor dietary health situation.

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

Appraisal

The key issues within the application have been appraised below. It is important to note that this application is subject to an Article 18(1) Direction under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("Holding Directions"). These Holding Directions are put in place by the Welsh Ministers on rare occasions following a 'call-in' request, to temporarily put the planning application on hold which allows the Welsh Ministers to restrict the Local Planning Authority's approval of planning permission for the specific development. Holding directions are typically issued for proposed developments that are expected to have an impact beyond local significance. Furthermore, during any pre-election period, holding directions are issued for all proposals subject to a 'call-in' request regardless of their potential impact on planning matters of more than local importance.

It is important to note that the Welsh Ministers have not yet made a formal decision on whether to 'call in' the application. The Case Officer is currently in communication with the Welsh Government based on the recommendation presented. Therefore, the decision made by Members will not be a final one to grant or refuse permission. Instead, it will reflect the Authority's position of being 'minded' to grant or refuse the application. If the Welsh Ministers do decide to 'call in' the application, it will then be reviewed by a qualified Planning Inspector who will prepare a report for consideration by the Welsh Ministers. If they choose not to 'call-in' the application, the decision made at the Committee can proceed.

Principle of Development

Prior to delving into the specific details of the proposed application, it is imperative to first examine and grasp the fundamental principle of development and the policy landscape.

The proposal is located within the designated 'Town Centre' of Ammanford, as outlined in policy RT4 of the Carmarthenshire Local Development Plan 2014. It is positioned in the car park of the existing Tesco Supermarket, within a predominantly commercial area of the town and on a current retail site. Additionally, Ammanford ranks as the third largest town in Carmarthenshire and falls within the GA3 Growth Area. Given these policy parameters, the proposal falls within an area where development is generally favoured, pending the specifics of the proposal and other relevant considerations. Moreover, no objections have been raised regarding the development principle based on policy guidelines.

Placemaking

Creating a sense of place involves a meticulous process that considers social, economic, and environmental factors during the planning and design phases of a development. It emphasizes how a new development integrates into the surrounding area, its connection with the local community, and the positive impact individual structures can have on an area in terms of design excellence and functionality. The objective of creating a sense of place is to craft developments that honour and enhance the unique character of the specific location where they are envisioned.

The distinctive architectural character of an area, encompassing its layout and design style, plays a pivotal role in creating a sense of place. New development proposals should strive to possess a positive character that aligns with and enhances the existing architectural character of the location. Understanding the historical roots of a site and how new developments can complement and elevate its architectural character is essential for successful place-making. The site and its context are crucial in this regard – situated amidst a contemporary supermarket, its parking lot, and fuel station, enclosed by a lightly used railway line, with the town centre in the distance, flanked by three additional modern retail structures to the west.

Accessibility, connectivity, and ease of movement are vital components of place-making as they influence the functionality and assimilation of new developments within the existing environment. By contemplating access avenues for vehicles, pedestrians, and cyclists, designers can establish permeable spaces that promote alternative modes of transportation and lessen reliance on cars. Incorporating clear route hierarchies, safeguarding existing access networks, and linking new and existing developments contribute to creating vibrant and successful places through heightened clarity and permeability. Numerous objections

have been raised regarding the traffic issues in Ammanford at this location and how the proposal could potentially disrupt this, rendering the town less accessible for vehicles.

Public realm plays a central role in place-making and must be carefully thought-out to cultivate quality, inviting, and secure environments for all community members. Diligence in all aspects of development, including public spaces, building placement, surfacing, lighting, street amenities, and greenery, elevates the overall environment and defines the "sense of place." It is imperative for new developments to overlook the public realm to offer surveillance, foster safe environments, and contribute to the supervision of public spaces. Another significant concern pertains to the possibility of anti-social behaviour, noise, and litter emanating from the proposed development, particularly impacting the Carregamman housing site to the west. The railway line acts as a boundary to mitigate some of these issues, while the site has been designed incorporating design elements from McDonald's and insights from similar restaurants to present an appealing built form and address any potential challenges.

Design quality and performance in place-making centre on ensuring that a development harmonises with and enhances the landscape or cityscape in which it is situated. This involves considering the form, composition, and topography of the area, as well as noteworthy features like trees and watercourses. Additionally, early consideration of architectural quality, durability, fitness for purpose, and infrastructure integration is vital in creating well-designed, sustainable spaces that enrich the overall character of the location. With a development like a McDonald's drive-thru restaurant, the architecture, scale, and layout will largely adhere to the modular construction form and corporate design ethos employed by the company at the time of the application. In the context of this application, the chosen site for consideration is the town centre location within an existing supermarket parking lot, predominantly aligning with policy guidelines, pending a thorough assessment of the specifics.

Visual Impact upon Character and Appearance of the Area

The site is situated within the designated 'Town Centre' of Ammanford and meets the basic location requirements of the Local Development Plan (LDP). However, there have been several objections raised regarding the potential impact of the proposal on the character and appearance of the surrounding area.

- Littering and environmental impact: 11 objections
- Visual impact and town aesthetics: 1 objection
- Specific objection to the location near residential areas: 1 objection
- Proposed development within 50 meters of domestic dwellings

In response to concerns about littering, the application outlines various strategies to mitigate negative effects, such as implementing daily litter patrols, providing litter bins with anti-littering symbols, displaying anti-littering signage, supporting initiatives like Keep Wales Tidy, and implementing a waste management plan with recycling facilities. Suggestions, such as printing vehicle number plates on purchased items, are noted but fall outside the jurisdiction of the planning control. Network Rail has also requested measures to prevent rubbish from blowing onto their property, which should be carefully followed due to safety and legal implications for the proposed development.

Regarding visual impact, the proposal site is a brownfield site located in the 'Town Centre' behind an existing fuel filling station and near the Tesco Superstore. The context of the

surrounding area, including modern retail units, housing developments, and commercial buildings, suggests that the proposed development would align with the visual aesthetic of the area.

In conclusion, the proposed development is considered to align with the visual amenity of the surrounding area and may even enhance it with the proposed landscaping scheme.

Neighbour Amenity and Public Health

- Noise pollution and disturbance: 8 objections
- Concerns about light pollution: 2 objections
- Specific objection to the location near residential areas: 1 objection
- Proposed development within 50 meters of domestic dwellings
- Promotion of unhealthy eating habits: 5 objections

The proposed development aims to operate 24 hours a day, 7 days a week. The nearest residential properties are the residential units of the Carregamman Housing site located approximately 50 metres to the west of the application site, separated by the Amman Valley railway line. It is noted that the proposed use may lead to increased noise and disturbance from vehicles, customers, staff, and deliveries visiting the site or using the Drive-Thru facility.

Regarding noise concerns, the Authority's Public Protection Department has reviewed the Noise Report and updated Acoustic Response. They do not object to the proposal but recommend imposing several conditions to protect the well-being of nearby residents. This is contrary to the initial objection raised by Dame Nia Griffith MP.

Concerning light pollution, the application site is situated in the car park of the existing Tesco Supermarket near the fuel filling station. The majority of lighting features will be placed close to the roadside, following existing Tesco lighting guidelines. The proposed lighting scheme must adhere to the Biodiversity Enhancement Plan to minimize disturbance to wildlife like bats.

While the proximity to residential properties may raise concerns about noise, odours, and anti-social behaviour, measures are in place to address these issues. The Public Protection Team has not objected based on the recommendations from noise and odour assessments. The physical boundary of the Amman Valley railway line acts as a barrier to prevent direct access to the proposed development site.

Regarding worries about the negative health impact of fast-food restaurants, this would be the first large-scale fast-food establishment in the town, distinct from existing hot food retailers. The proposal is expected to benefit the economy and provide job opportunities without significantly impacting public health.

Based on the above discussion, it is considered that on balance, the proposal is in accord with the objectives of policies SP1, SP8, GP1, RT1 and RT4 of the LDP and will also provide a significant level of new employment opportunities that accord with the policy objectives of TAN23.

Highway Impacts

The objections raised concerns about the highway safety implications of the proposed development, specifically regarding increased traffic congestion on the A474 between Wind

Street and Foundry Road. Additionally, there were worries about increased air pollution as a result of the development impacting the existing highway network and reducing parking for the nearby Tesco store.

The Highways Planning Liaison (HPL) Team reviewed the application, including requested amendments and various transportation documents. The proposal includes 33 parking spaces meeting standards, with expected peak time parking demand lower than the proposed spaces.

The HPL Team noted concerns about the proportion of new trips on the road network generated by the development and potential impacts on certain junctions during peak times. Off-site works to enhance active travel connectivity were recommended, along with sustainable transport options and focus on managing increased trips.

Overall, the proposed development is expected to have manageable impacts on parking capacity, with provisions for pedestrian upgrades and drive-through lane capacity. The CSS Wales Parking Standards were applied to determine required parking levels, with conditions for adherence to various management plans and standards.

Based on thorough assessments, the proposed development is not expected to significantly impact the existing road network's safety. The Authority's Head of Transport supports the proposal, subject to compliance with conditions.

Despite objections, the Authority's thorough examination determined that the concerns regarding highway issues cannot be sustained.

Air Quality

The report does not address the issue of air quality resulting from increased vehicle traffic. The Local Planning Authority has established Air Quality Monitoring Areas (AQMAs) in Llandeilo, Llanelli, and Carmarthen in response to concerns about poor air quality. Monitoring sites in Ammanford have shown a decrease in air pollutants since 2015, with levels consistently below the Annual Air Quality Objective of $40\mu\text{g}/\text{m}^3$ and typically below $20\mu\text{g}/\text{m}^3$. The Authority's Public Protection Department has not raised any concerns about air quality in this area.

Biodiversity and Ecology Impacts

The application included a Preliminary Ecological Appraisal (PEA) Report, a Phase 1 Desk Study, a Biodiversity Net Gain Design Stage (BNG) Report, and a detailed landscape scheme to assess the impact on biodiversity and ecology. Public objections raised concerns about potential harm to wildlife and light pollution, which can affect species such as bats.

The Authority's Planning Ecologist initially recommended a holding objection due to the identified habitat corridors for bats and otters near the development site so additional information in the form of a Lighting Assessment and amended Lighting Layout plans was requested to address concerns about impacts on ecological resilience. Subsequent review of this additional information by the Authority's Planning Ecologist resulted in the holding objection being lifted and no other objection offered.

Natural Resources Wales (NRW) have reviewed the documentation and supported the recommendations of the Authority's Ecologists, recommending a condition for a Construction Environmental Management Plan (CEMP) to be included.

Based on the assessments and recommendations provided by the Ecologists and NRW, there are no sustained objections related to biodiversity or ecology.

Flood Risk Assessment

It is important to highlight that despite receiving many objections from the public, the issue of flood risk was not a point of issue that has been raised for this site, which is situated within a Zone C2/Flood Zone 2 according to the Development Advice Maps (DAM)/Flood Map for Planning (FMfP).

In general, NRW has expressed some concerns regarding the application, but they believe that these concerns can be addressed by implementing certain conditions if planning permission is granted.

Regarding flood risk, NRW has examined the Flood Consequences Assessment (FCA) submitted and concurs with the findings, which are deemed appropriate. The key findings are as follows:

- The site remains free from flooding during the 1% Annual Exceedance Probability (AEP) event but is projected to experience flooding up to 0.21m during the 1% plus climate change AEP event, which does not comply with TAN15 section A1.14.
- Elevating finished floor levels to 32.95m above ordnance datum (AOD) would prevent the building from flooding, but surrounding areas could still be at risk up to 0.08m, not meeting the requirements of TAN15 section A1.14.
- During the 0.1% AEP event, the site is expected to flood up to 0.39m, with the proposed building flooding up to 0.18m, in line with TAN15 section A1.15. Mitigation measures are recommended for extreme events.
- The proposed development does not pose an increased flood risk to neighbouring properties.
- Access to the site may be compromised during flooding, with predicted depths of 0.15m during the 1% plus climate change AEP event and 0.25m during the 0.1% AEP event. A Flood Warning and Evacuation Plan is advised for safe evacuation during flood events.

NRW suggests that the Local Planning Authority should assess whether the risks and impacts of flooding can be effectively managed according to TAN15. Given that the proposal does not heighten flood risk to neighbouring properties and complies with section A1.15 of TAN15, it could be deemed acceptable with appropriate mitigation measures, as it is not classified as a highly vulnerable form of development.

Contaminated Land

The issue of potential environmental impact was raised as a point of concern, although specific details were not always provided. Concerns regarding pollution from littering, noise, and odours have been addressed above. The Phase 1 Desk Study has determined that the

application site is located on secondary A aquifers that are connected to the River Amman, with impermeable glacial till acting as a barrier between different groundwater bodies. The proximity of the railway line and the potential for contaminants to leach into receptors during construction from the nearby fuel filling station necessitate careful consideration.

Both the Authority's Contaminated Land Officer and NRW have thoroughly reviewed this issue and do not oppose the proposal.

The Authority's Contaminated Land Officer recommends a set of conditions to address any potential contamination from previous land uses in relation to the proposed end use. NRW also proposes similar conditions in their response. Therefore, it is believed that the development can be effectively managed through these conditions, and any objections related to contamination issues are not valid.

Non Material Planning Concerns

Potential Impact on Local Businesses

- Negative impact on local businesses: 7 objections

The proposed development may have both positive and negative effects on the local businesses in Ammanford. It is important to note that concerns raised about competition with existing food and drink establishments cannot not be considered as material planning objection. While competition is not a deciding factor in this application, it is understandable that members of the planning committee may take into account the broader impact on the local business community.

According to the information provided in the application, the new restaurant is expected to primarily attract customers from passing vehicles on the main road network, utilising the drive-through feature. However, the site is also accessible to pedestrians and cyclists, with potential for joint trips to the town centre. The restaurant may draw foot traffic to the area, potentially benefiting other businesses in the vicinity.

Some members of the public have expressed support for the proposal, citing potential economic growth, community development, and job creation as positive outcomes. It is worth considering these perspectives in the overall evaluation of the proposal and its potential impact on the local economy.

Planning Obligations

No requests have been made for planning obligations as a result of this proposed development.

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 on balance that the proposal satisfies all the local and national planning policies and guidelines, based on the expert advice received from statutory consultees. As such, despite the weight of objection received, the points of objection cannot be sustained and as such, the proposal is recommended for APPROVAL.

RECOMMENDATION - Approval

Conditions & 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 and documents:-

- Proposed Lighting Layout at 5m [DWG 00 & DWG 01]
- Proposed Lighting Layout [DWG 00 & DWG 01]
- Lighting Review - Practical Ecology Ltd - 13th February 2024

Received 15 February 2024;

- Site Location Plan - Wider Plan [AL02 F]
- Site Location Plan [AL01 F]
- Block Plan [P002 F]
- Existing Site Layout Plan [AL03 F]
- Proposed Site Layout Plan [P004 G]
- Tesco Site Plan - Wider Site Plan [P024 A]
- Tesco Site Plan [L104 D]
- Site Layout Plan - Site Signage [P008 E]
- Site Layout Plan - McDonald's Drive Totem [P022 E]
- Site Layout Plan - Tesco Monument [P023 E]
- Landscape Plan [L01 D]
- Raised Planters - Planters for Pollinators [L02 D]
- Transport Note - Hydrock - 15 December 2023

Received 15 December 2023;

- Technical Note - Sharps Redmore – Acoustic Consultants

Received 14 June 2023;

- Site Location Plan [23120-HYD-XX-XX-DR-C-0100 P01]
- Engineering Plan [23120-HYD-XX-XX-DR-C-1000 P02]
- Drainage Layout Option 1 [23120-HYD-XX-XX-DR-C-3000 P01]
- Drainage Strategy - Hydrock - 7th April 2023

Received 16 May 2023;

- PEA Report - Practical Ecology - V1

Received 19 April 2023;

- Odour Control Assessment - CDM Partnership - March 2023

Received 30 March 2023;

- Phase 1 Desk Study [P02] - Hydrock - 27th March 2023
- BNG Post-development habitats v1
- BNG Pre-development habitats v1
- Biodiversity Net Gain Design Stage Report - Version 1 - Practical Ecology - March 2023

Received 28 March 2023;

- Site Layout Plan [P024]
- Landscape Plan [L02B]
- Proposed Elevations and Sections Plan [005A]
- Ground Floor and Roof Plan [006A]
- Supporting Statement – Planware Ltd – March 2023 – Version 2
- Outdoor Climb - E09-004 2017 Revision
- Standard Patio Area Supporting Specifications
- Travel Plan – Hydrock – 7 March 2023 - 23120-HYD-XX-XX-RP-TP-6001-P03
- Noise Impact Assessment – Sharps Redmore – 9 August 2022 - 2221267
- Lighting Assessment - Signify - 0400829579
- Flood Consequence Assessment – Hydrock – 7 March 2023 - 23120-HYD-XX-XX-RP-FR-0002
- Transport Assessment - Hydrock 7 March 2023 - 23120-HYD-XX-XX-RP-TP-5001-P03
- Delivery and Servicing Management Plan – Hydrock – 7 March 2023 - 23120-HYD-XX-XX-RP-TP-0001-P03

Received 9 March 2023.

Reason:

For the avoidance of doubt as to the extent of this permission and in the interest of visual and residential amenity in accordance with policies GP1, TR1, TR3, RT4 and EQ4 of the Carmarthenshire Local Development Plan 2014.

Condition 3

The access, layout, parking and turning and servicing areas required, shall be wholly provided 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 access, layout, parking turning or servicing areas, is to be obstructed by non-motorised vehicles. The parking spaces shall be retained, unobstructed, for the purpose of parking only.

Reason:

In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 4

No development shall commence until a detailed scheme for an uncontrolled pedestrian crossing of the Tesco Access Road (Tesco Park Avenue / W9005), linking the riverside active travel path with the development has been submitted to the written approval of the Local Planning Authority, and to the specification of the Local Highway Authority. The scheme shall be implemented in full as agreed prior to beneficial use of the development herewith approved.

Reason:

In the interests of highway safety and amenity and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 5

No development shall commence until a detailed scheme for an uncontrolled pedestrian crossing of the Tesco Petrol Filling Station access junction on Ffordd William Walker (A474), has been submitted to the written approval of the Local Planning Authority, and to the specification of the Local Highway Authority. The scheme shall be implemented in full as agreed prior to beneficial use of the development herewith approved.

Reason:

In the interests of highway safety and amenity and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 6

No development on the site shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. Prepared a Preliminary Risk Assessment to identify any potentially unacceptable risks arising from contamination at the site. The Preliminary Risk Assessment shall include current and historical information about the site. This can be obtained by undertaking a desk study and a site walkover to identify previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to

complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.

The risk assessment shall include a mine gas risk assessment that considers the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021'.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason:

To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination and to accord with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 7

Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason:

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable

risks to workers, neighbours and other offsite receptors and to accord with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 8

Prior to occupation of the proposed development, if the above Preliminary Risk Assessment and Verification Report deem necessary, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms
- Timescales for submission of monitoring reports to the Local Planning Authority
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason:

To ensure that former land uses are fully considered and remediated where necessary in the interests of health, safety and residential amenity and to accord with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 9

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason:

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks and to accord with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 10

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution and to accord with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 11

No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

Construction methods: details of materials, how waste generated will be managed;

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason:

To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in the interests of health, safety, residential amenity, biodiversity and to accord with policies EP2, EQ4 and SP14 of the Carmarthenshire Local Development Plan 2014.

Condition 12

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 46 dB between 0700 and 2300 hours and 35 dB at any other time. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.

Reason:

In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 13

Activities associated with “Car parking” (hereafter referred to as activity (1)) from the development shall not exceed 49 dB LAmax when measured the nearest residential premises. Activities associated with the “Drive Thru” (hereafter rereferred to as activity (2)) from the development shall not exceed 51 dB LAmax when measured the nearest residential premises.

At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the Local Planning Authority a noise assessment conforming to determine whether noise arising from development exceeds the noise levels specified in Condition 12 or the activities referenced numbers (1) or (2) above.

The assessment shall be undertaken under the supervision of the Local Authority. In the event that the noise levels referred to in Condition 12 or the activities referenced by numbers (1) or (2) is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in Condition 12 or the activities referred to by numbers (1) and (2). The development shall then be undertaken and retained in accordance with the approved details.

Reason:

In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 14

Any imported materials must be suitable for use and any materials arising from elsewhere on the development site must be subject to the same requirements as imported materials. Further information can be found in section 4 of the guidance document “Development of Land Affected by Contamination: A Guide for Developers”.

Details of any materials to be imported to site must be provided in writing to (and agreed with) Environmental Protection via the Local Planning Authority prior to importation. The developer should refer to the WLGA guidance document ‘Requirements for the Chemical Testing of Materials for Various End Uses’ (2013), which presents the specific details that need to be submitted. The document outlines the process for ensuring all required information is submitted in a series of step-by-step actions.

Reason:

In the interests of health, safety and residential amenity and to accord with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 15

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 16

The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason:

To protect the integrity of the public sewage system and ensure the free flow of sewage.

Condition 17

Prior to the commencement of any works associated with the development hereby approved, a Construction Exclusion Zone (CEZ) shall be established to protect all existing landscape elements not identified for specific removal to implement the development. The CEZ shall be defined by a barrier of a specification appropriate to exclude the degree and proximity of all construction phase operations. The barrier shall form a continuous length, aligned as follows: -

- i) To the perimeter of root protection areas, defined in accordance with BS5837 of all trees, groups of trees or woodland located within, on, or with a canopy spread which overhangs the site boundary.
- ii) To 1.5m from the edge extent of above ground growth of all shrub masses, hedges and hedgerows located within or on the site boundary.

Any construction operations and access within the CEZ shall be limited to those undertaken in compliance with the recommendations of BS5837. The CEZ shall be enforced throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Reason:

To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness in accordance with policies SP1 SP14 GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

Condition 18

The Landscape Design Scheme (LDS), as defined in the following submitted documents: - Landscape Plan [L01D], Landscape Plan [L02B], Raised Planters – Planters for Pollinators [L02D] shall be fully implemented in the first available planting and seeding seasons following commencement of development.

Any existing elements retained or translocated; or new elements installed, constructed, planted or seeded in accordance with the approved scheme which, within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of

the element in relation to this planning approval is no longer delivered, shall be replaced, within six months of written notification by the Local Planning Authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification.

Reason:

To ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity in accordance with SP1 SP14 GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

Notes / Informatives

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

The proposed development complies with Policies SP1, SP3, SP8, SP9,, SP17, GP1, GP2, GP4, RT1, RT4, TR1 and TR2 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed development is a hot food takeaway/drive-through located within the defined Town Centre of Ammanford, within the GA3 Growth Area and on an existing car park/brownfield site, meeting the requirements of the Sustainable Distribution Settlement Framework. The site is considered to be located within a sustainable location that is suitably served by the existing road network.

The proposed development complies with Policies GP1, TR3, EQ4 and EP2 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed development is of an acceptable scale, siting and design on a site that can acceptably accommodate the proposal, whilst providing sufficient access and parking and utility space. The development would improve the biodiversity of the area and should not negatively affect nearby residential dwellings with issues relating to noise, odour or light pollution. The development can also be developed whilst not negatively affecting matters relating to potential contaminated land.

Note 1

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.

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).

Application No	PL/06623
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Application Type	Full planning permission
Proposal	Cessation of all use as a public house and the consolidation of the current residential component into 2 no. self contained 2 bed houses
Location	Angel Inn, Salem, Llandeilo, SA19 7LY

Applicant(s)	Paul James
Agent	W Griffiths - Christopher Griffiths
Officer	Kevin Phillips
Ward	Manordeilo and Salem
Date of validation	03/10/2023

Committee Report Update

The application was previously included on the agenda for the 28 April 2024 Planning Committee. However following the receipt of late correspondence from a third party and subsequent correspondence from the applicant it was agreed to defer the application to allow sufficient time for the late information to be considered and afford full opportunity for the applicant to respond. This report updates the previous report to reflect the information received from both parties.

Reason for Committee

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

Site

The application site is the existing public house and car parking area within the village of Salem, which is approximately 3 kilometres North of the town of Llandeilo along the C2177 road. The village is identified within the Carmarthenshire Local Development Plan as a sustainable community (SC30, along with Cwm Ifor, Golden Grove, Penybanc, Broad Oak,

Manordeilo, Llangathen and Trapp) with Llandeilo its nearest Service centre. Salem is a settlement identified in the Carmarthenshire Local Development Plan with its own development limits with approximately 63 residential properties, a village hall (approximately 230 metres to the North) and Salem Chapel (across the adjacent unclassified highway to the North). The appeal site is served by the village sewage works which is in a field approximately 130 metres to the west, adjacent to the Afon Myddyfi, which is a tributary of the River Tywi SAC(Special Area of Conservation).

Proposal

The proposed development is the conversion of the existing public house which has a single residential unit above (Use Class A3) into two residential units (Use Class C3a), with their respective amenity areas and parking area.

Internally, the right hand half of the building with the existing ground floor bar and seating area and commercial kitchen at the rear and one bedroom above at first floor is to be converted and slightly extended at first floor into a 2 bedroom dwelling, and the left hand side of the Public house with the bar, toilets and pump room at ground floor and three bedrooms and domestic kitchen at first floor is also to be converted to a 2 bedroom dwelling.

Planning Site History

PL/00754 - The proposal converts the existing ground floor (existing main bar area) into one 2-bedroom flat and first floor plan (existing 4 en-suite bedroom flat) into 2 flats (two bedroom flat and one bedroom flat) along with an extension that opens out to abide with Covid regulations and the construction of 2 new holiday units at the rear of the site - Full Refusal - 16/2/2023

Appeal Dismissed on 23 February 2023, due to the inappropriate provision of a Private Treatment Plant proposal at the site within a sewered area, contrary to PPW and Local Development Plan policy.

E/22197 - 2 Residential Dwellings – Withdrawn – 01/02/2010

E/20104 - One Dwelling - Outline – Refused - 09/01/2009

E/12704 - Two Dwellings - Outline - Refused - 29/06/2006

E/02702 - House - Outline - Refused - 17/05/2001

E/00173 - Extension to restaurant and 1st floor - Full Granted - Committee - 26/09/1996

P6/190/93 - Extension to restaurant and new guest rooms - Planning Permission Granted - 20/05/1993

P6/19758/92 - Extension for function room/restaurant - Refusal of Planning Permission - 22/10/1992

P6/18551/91 - Double Garage - Planning Permission Granted - 27/06/1991

P6/16452/89 - Extension to public area and private living area - Planning Permission Granted - 23/11/1989

P6/8174/82 - Extension (kitchen and store room) - Planning Permission Granted - 29/07/1982

P6/7455/81 - Caravan on part enclosure 3058 - Planning Permission Granted - 30/07/1981

P6/6895/80 - Amended Access - Planning Permission Granted - 02/04/1981

P6/6247/80 - Extension of restaurant - Planning Permission Granted - 19/06/1980

P6/3695/78 - Proposed Advertisement Signs - Consent Granted - 29/03/1978

P6/3079/77 - Proposed Alterations - Planning Permission Granted - 16/02/1978

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

SP14 - Protection and Enhancement of the Natural Environment

SP16 - Community Facilities

GP1 - Sustainability and High-Quality Design

GP2 - Development Limits

H2 - Housing within Development Limits

AH1 - Affordable Housing

RT8 - Local Shops and Facilities

TR3 - Highways in Developments - Design Considerations

EQ4 - Biodiversity

EP1 - Water Quality and Resources

EP2 – Pollution

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways - No observations.

Head of Public Protection - No adverse comments to make.

Manordeilo & Salem Community Council – Object to the proposal on the following grounds;

1. The Council objects to the proposed change of use from public house/restaurant to residential dwellings. The Angel Inn has served as a key focal point for the village of Salem and surrounding countryside for many years, not least during the pandemic

where it was the hub providing support and a lifeline to local residents during the Covid restrictions.

2. It has not been proven that there is a lack of demand for such a facility, indeed to the contrary the Angel is considered an inherent part of village life and its permanent closure would be a great loss to the community. The fact that all the fixtures and fittings associated with the pub and restaurant have already been sold has pre-empted any serious intention to sell or rent the premises as a viable business.
3. Concern about the apparent discrepancy between the boundary shown on the location plan and the existing boundary fencing, also concern regarding details of access and what is proposed for the unallocated land shown on the plan at the rear of the site.

Local Member(s) - Councillor F Walters has requested that the proposal be considered by the Planning Committee and relays the reasons raised by Manordeilo and Salem Community Council for this request;

1. The Council objects to the proposed change of use from public house/restaurant to residential dwellings. The Angel Inn has served as a key focal point for the village of Salem and surrounding countryside for many years, not least during the pandemic where it was the hub providing support and a lifeline to local residents during the Covid restrictions.
2. It has not been proven that there is a lack of demand for such a facility, indeed to the contrary the Angel is considered an inherent part of village life and its permanent closure would be a great loss to the community. The fact that all the fixtures and fittings associated with the pub and restaurant have already been sold has pre-empted any serious intention to sell or rent the premises as a viable business.
3. Concern about the apparent discrepancy between the boundary shown on the location plan and the existing boundary fencing, also concern regarding details of access and what is proposed for the unallocated land shown on the plan at the rear of the site.

Natural Resources Wales - The application site is within the catchment of the River Tywi Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with NRW Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. It is therefore advised to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

This application for the cessation of use of the building as a public house and the consolidation of the current residential component into 2 no. self-contained two bed houses proposes connection of foul water to the mains sewer. The information set out in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' has been submitted with the application.

The Local Planning Authority will need to take the above into account in its determination of whether the development is likely to have a significant effect on the SAC. Should it be determined that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us

on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for the Local Planning Authority to determine.

The presence of bats in the vicinity of the site is noted. Due to the application including works to the roof space it is recommended the Local Planning Authority seeks the advice of the in-house Planning Ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

Dwr Cymru/Welsh Water – No comments to make on the Planning application.

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 and 20 representations objecting were received, and the matters raised are summarised as follows:

- There was limited marketing of the property for sale.
- The desire to keep the public house open is shown by the formation of a Community Group that aims to purchase the public house.
- The proposal is contrary to Carmarthenshire Local Development Plan policy RT8 Local Shops and Facilities, which will result in the loss of an important Community and Tourism facility.
- The proposal conflicts with NRW guidance on phosphate pollution and it is considered that the proposal will have an adverse impact on the river Tywi SAC.

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

Appraisal

The application seeks full planning permission to convert the existing public house which has a single residential unit above (Use Class A3) into two residential units (Use Class C3a), with their respective amenity areas and parking area. The application has been the subject of thorough scrutiny across various criteria in order to evaluate the proposal as presented and to thereby determine whether it is acceptable in development management terms. The main considerations of the case are considered to be whether the principle of the development is acceptable, its impact upon the character and appearance of the area, biodiversity, privacy and highways impacts.

Principle of development

In the context of the current development control policy framework, any proposal of this nature falls to be considered against the general criteria of a number of Carmarthenshire Local Development Plan (LDP) policies. Owing to the loss of a public house this application would typically be examined closely against Policy RT8 'Local Shops and Facilities' of the LDP.

The Carmarthenshire Local Development Plan (2014) identifies and recognises the contribution of local services such as public houses which will contribute to the future viability of settlements and communities, both in terms of providing a service but also in offering 'meeting places' where community interaction can occur, and community spirit can be enhanced. Indeed, many of the points of objection received as part of the consultation process, focused on issues related to these points, as can be seen in the summary above.

In addition to the above, General policy GP1 in this instance requires that the change of use would conform to the character and appearance of the site and would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community. Also, an appropriate access should exist or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.

Also, Strategic policy SP16 also considers the protection of existing community facilities in accordance with the settlement framework and based upon evidence of need. Any proposals that result in the loss of existing facility will be permitted where it can be clearly demonstrated that the facility is no longer viable and that a suitable alternative is accessible within the settlement or sustainable community.

The Council acknowledges the significance of community facilities and services in areas where there is a strong local reliance on them, and 20 objections have been received from local residents to the proposal which are highlighted above. These services play a crucial role in the economic well-being of the communities and also contribute to social inclusion, particularly for individuals with limited mobility within the community. Factors such as demand and the valuable nature of residential land in rural areas often lead to pressure from property owners to alter the purpose or redevelop such facilities for residential use and the potential income from an alternate development may surpass that of a shop or other activity. This policy aims to mitigate the pressures for change by ensuring that unless reasonable alternative facilities are available and the shop or facility is economically sustainable at appropriate rent levels, its closure will not be permitted. While the policy endeavours to safeguard against the loss of facilities, provisions are also made for situations where it can be demonstrated that such facilities are no longer necessary or feasible.

The applicant states that the Angel closed in July 2021. The public house had been running at a loss for some time before then and as a result was reduced to only being open towards the end of the week and weekend due to lack of sufficient custom. Whilst the property has been marketed by way of on-site signage offering the property for sale or to let along with repeated attempts on social media outlets no serious offers to lease or purchase the property has been received. A local community group, known as Salem Gar Ltd was formed in 2022 with the aim of taking ownership of and running the pub by and for the community. The applicant confirms that he was not approached by Salem Gar Ltd until January 2024, at which time the group stated their aspirations to purchase the property via funds generated from grants and public funding. A price for the property was discussed albeit no legally binding contract was entered into. The applicant states he was content to sell the public house to the group at that time and was of the understanding that the group would be securing funds to purchase the property at the price discussed. Salem Gar Ltd have since advised that they have sought a Sustainable Communities grant to seek to secure purchase of the property. However, the applicant has advised that the level of funds applied for falls significantly short (in excess of £100k) of the price discussed at the beginning of the year and therefore would not be sufficient to purchase the property and there is no firm evidence that the group is capable of raising this shortfall. As a result, any offer to sell the Angel to

Salem Gar Ltd has now been withdrawn. In this time the public house has since been left vacant which has caused financial hardship to the applicant in terms of business rates and council tax payments with no income. The aspirations of Salem Gar Ltd are noted however, at present, it is evident that there is significant doubt that the group is in a position to purchase the property and there is no formal offer made.

In addition, whilst the relevant planning policies seek to prevent the loss of such facilities in the lower tier settlements (local service centres and sustainable communities), particularly where the loss of the facility might be detrimental to the social and economic fabric of the community, there is a need in determining a proposal of this nature to consider whether the settlement is of sufficient size and has adequate facilities of similar compatible use, which could absorb any potential detrimental impacts to the community. The village is served by a Community Hall where it has been noted that community events already take place, in addition there are many amenities at the town of Llandeilo which is only 3km away. In particular, Llandeilo would be more relevant in this case, more so than the sustainable community, as in this case Settlement Cluster SC30 is made up of a number of small settlements with limited facilities themselves, and they all look to Llandeilo as a central commercial and social hub. Therefore, in terms of Salem and this proposal, it is considered that given the availability of the Community Hall and the proximity to Llandeilo, it is considered in this case that the loss of the pub to housing would not be so detrimental to the social and economic fabric of the community to support a refusal of the application and as such on balance it is considered that the proposal complies with Policy RT8 of the LDP.

Impact upon character and appearance of the area

It is considered that the conversion to 2 dwelling from a public house and 1 residential unit above, will not be a significant negative change to the character and appearance of the locality with the new use for two residential units of a similar scale to the existing resulting in a limited change to the visual appearance of the locality. It is acknowledged that there will be less activity at the establishment and with that less vehicles and respective general noise.

Privacy Impacts

The layout as proposed will not result in any issues in terms of impact upon adjoining neighbours' living conditions. The site has a highway each side of the development and the housing site to the south has a mature hedgerow between and the layout is such that there is sufficient distance between the properties to ensure that there are no significant concerns in terms of harm to each resident's living conditions.

Biodiversity Impacts

The bat surveyor states that the buildings hold negligible roost potential, and no bats were recorded using the building during the surveys. On the basis of the information provided it is considered that an EPS development licence is not required in this instance and there is a reasonable likelihood that bats will not be affected by the development. Despite no bats being found, enhancements are recommended secured by way of conditions.

The site is located within the River Tywi SAC Phosphates Sensitive Catchment Area and as such the Authority must be able to conclude that the development would not give rise to a significant effect on the SAC. On this basis, the proposal is a reduction in scale in terms of the residential occupancy of the existing 4-bedroom residential unit and public house, to the proposed two, two-bedroom residential units. Planning Ecology's response to consultation

has not resulted in an objection to the proposal in terms of phosphate related issues and therefore the application can be screened out under the Habitat Regulations Assessment.

Highway Impacts

The Head of Transport conveys that there are no observations offered for a proposal that will have less of an impact on highway related matters.

Planning Obligations

If the proposal is supported, the legal section will be contacted with regards to drawing up a S106 Agreement in relation to Affordable Housing provision under policy AH1 of the Carmarthenshire LDP. There is an increase in terms of the residential units from 1 to 2 and there will be a requirement for an affordable housing contribution, which equates to £88.82/m² of habitable floor area, which will be required to be accepted within a Unilateral Undertaking Agreement arranged by the Council's Legal section.

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 on balance that the proposal is in accordance with the policies of the adopted Local Development Plan and on balance is therefore put forward with a recommendation for approval subject to the following conditions.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The development hereby permitted 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 works hereby granted consent shall be carried out strictly in accordance with the following drawings and conditions:

- Bat Survey Report-I&G Ecological Consulting Ltd.-5 December 2023, received 7 December 2023
- Location Plan (3), received 22 September 2023
- Block Plan (4), received 22 September 2023
- Proposed Floor Plans (1-1), received 22 September 2023
- Proposed Elevations (2.2), received 22 September 2023

Reason:

In the interest of visual amenity.

Condition 3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013 (or any Order revoking or re-enacting that order with or without modification), no development within Schedule Article 2, Part 1, Classes A, B, C, D, E, G, and H shall be carried out within the curtilage of the dwelling hereby approved (other than those expressly authorised by this permission) without the written consent of the Local Planning Authority.

Reason:

In the interest of visual amenity and to prevent over development of the site.

Condition 4

Prior to the erection of the walling/fencing at the application site as specified on the Block Plan referred to in condition 2 above, detailed drawings and specifications of the aforementioned shall be submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

In the interest of visual amenity.

Condition 5

Prior to the installation of any external lighting at the property, a detailed lighting plan focussing particularly on minimising the lighting impacts around the bat boxes and surrounding trees shall be submitted to the Local Planning Authority for written approval. The lighting plans shall be implemented as approved.

Reason:

In the interest of protecting wildlife.

Notes / Informatives

Note 1

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.

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).

Application No	PL/06638
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Application Type	Full planning permission
Proposal	Construction of 38 dwellinghouses and 4 residential flats, with formation of access, estate roads and associated infrastructure
Location	Land part of Wern Fraith Farm, Porthyrhyd, Carmarthen, SA32 8PT

Applicant(s)	Jones Bros. (Henllan) Limited & Pobl Group
Agent	Evans Banks Planning Limited - Richard Banks
Officer	Paul Roberts
Ward	Llanddarog
Date of validation	14/10/2023

Reason for Committee

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

Site

The application site consists of an irregular shaped parcel of land measuring approximately 1.6 hectares in area located in the settlement of Porthyrhyd. It forms the southern part of a large field enclosure that is located immediately to the south-west of the centre of the village and to the west of the B4310. The site consists of improved grassland forming part of the agricultural holding of Wern-fraith Farm.

The southern boundary of the site is contiguous with the carriageway of the C2068 and the side and rear boundaries of two neighbouring detached properties which adjoin the land. There is an established hedgerow along its road frontage with the C2068 as well as a drainage ditch that runs contiguous with the highway verge. The levels of the site rise gently towards its northern boundary which is currently undefined in the wider field enclosure with the farmstead of Wern-fraith Farm being located beyond its western boundary. The eastern boundary of the site consists of a linear stone wall that separates the field from the neighbouring chapel and graveyard and a small number of neighbouring residential properties that front onto the B4310.

The levels of the field enclosure beyond the northern boundary of the site fall gradually towards its northern perimeter which follows the route of a small watercourse. A linear section of the eastern periphery of this part of the field enclosure has been included within the application site for the purposes of providing an outfall into the watercourse from the surface water drainage system that will serve the new development.

The site is located within a primarily residential area close to the centre of the settlement with the surrounding pattern of development consisting of a mix of frontage development onto the B4310 and C2068, as well as a number of smaller estate developments which include the neighbouring Clos y Wennol development. Porthyrhyd has a range of existing facilities that are all located close to and within walking distance of the site. These include two public houses, a shop and post office, chapel, vehicle repair garage, community hall, playground and sports playing field.

Porthyrhyd has a fragmented development pattern that includes a number of separate residential areas that are detached from the centre of the settlement and the facilities therein. The largest of these is located to the north along the B4310 towards the A48 and includes the Derwendeg and Glenfryn housing estates.

Proposal

The application seeks full planning permission for the construction of 42 no. dwellings within the site together with associated access, infrastructure and landscaping works.

The application has been submitted by Jones Bros (Henllan) Limited & Pobl Group and proposes a wide mix of dwelling types and tenures within the development. These have been informed by discussions with the Council's Housing Service and are designed to address the high housing need in the area. It will include a 69% proportion of affordable housing with this being significantly greater than the 30% required under Policy AH1 of the LDP. This equates to 29 affordable units compared to the policy requirement of 12 units. The mix and tenure of units are as follows :

- 13 no. private dwellings consisting of 7 no. detached 3 bedroom houses and 6 no. detached 4 bedroom houses.
- 10 no. low-cost home ownership units consisting of 6 no. 2 and 3 bedroom semi-detached houses and 4 no. detached 3 bedroom houses.
- 19 no. social rented dwellings consisting of 5 no. 3 bedroom bungalows, 8 no. 3 and 4 bedroom semi-detached houses, 2 no. 2 bedroom semi detached houses and 4 no. 1 bedroom flats.

The development will be accessed via a new estate road that will extend northwards into the site from the C2068 approximately 100 metres to the west of its junction with the B4310. It will be constructed to an adoptable standard with flanking footways and will form a loop within the development with two shared drives leading off to serve a number of the units. The dwellings themselves will predominantly be set around the site's boundaries with the exception of a central cluster that will front onto the encompassing estate road that will, in part, run parallel with the northern boundary. The carriageway of the road fronting the site is to be widened to 5.5 metres in width and the scheme will include a footway along the front of the development. This footway coupled with the pedestrian facilities within the development layout will provide direct active travel links to the existing pedestrian facilities

along the B4310 and the services and facilities in the settlement located a short distance to the north of the site.

The finished levels of the development will be comparable to the prevailing ground levels of the site and the dwellings on the southern boundary of the site fronting onto the C2068 will consist of detached bungalows to reflect the predominantly single storey design of neighbouring properties along the roadway. They will be set back from the roadway behind a landscaped area fronting the road that will include two grassed surface water basins that will receive the surface water from the development. The remainder of the units will be of a two storey design and will include 4 no. one bedroom flats that will be set over the two floors of a larger unit proposed in the south western corner of the development.

Each of the units proposed will have off road parking in accordance with the Council's parking standards, while a large number will have the benefit of detached garages. The external palette of finishes will consist of a mix of rendered and facing brick elevations and grey tiled roofs.

The application has been accompanied by a Green Infrastructure Statement that includes a detailed landscaping scheme which retains the existing trees and hedgerows bordering the western boundary of the site. The scheme includes robust planting proposals throughout the development which include the planting of new native species hedgerows notably along the northern and southern boundaries of the site, as well as extensive pockets of greenery throughout the development and in particular fronting the curtilages of the new dwellings. These will be supplemented by boundary treatment measures which primarily consist of facing brick screen walls and boundary fencing along the side and rear boundaries of the units.

In terms of drainage, the area of the site fronting onto the C2068 is currently set at lower level than the roadway and remainder of the site and, with the exception of the area wherein the new access road will be created, is susceptible to surface water flooding. It falls within Flood Zones 2 and 3 (surface water and small water courses) of NRW's Flood Map for Planning with the flooding being caused by run-off from both the field and highway and the under capacity of the ditch fronting the road. As indicated above, this area will remain undeveloped as part of the development and will instead consist of a landscaped area that will include two surface water catchment basins which together with improvements to the capacity of the existing ditch, will receive surface water from the development and existing road drainage system. The scheme will include a piped outfall from these basins and a further basin in the northern part of the site that will discharge to an existing watercourse located in the northern periphery of the site. Surface water from the development will be discharged to the stream at an attenuated rate. The development will also include permeable paved driveways and parking areas as well as rainwater gardens in the front curtilages of certain of the dwellings to accommodate run-off from the built development.

The detailed design of the surface water scheme will be assessed separately by the Councils SAB team as part of the consideration of any subsequent SAB application. However, members should be aware that the point of discharge to the watercourse in the northern periphery of the site has recently been amended during the application process upon the advice of the Council's SAB team. It has been relocated to a position some 140 metres to the west of its original position whereby its distance from neighbouring properties has been significantly increased. The amendment will require the installation of an extended surface water pipe to the new point of discharge and given that the area of land wherein it will be installed falls outside the red line site of the current application, the applicant has

submitted a new separate planning application pursuant to this additional infrastructure. Planning application reference PL/07200 refers. Members will have noted that this separate application is also included in the agenda for consideration by the Planning Committee whereby both applications are to be determined concurrently given the interdependence of both developments.

The foul drainage from the development will be disposed of to a new system within the site that will be adopted by Dwr Cymru Welsh Water and discharge into the existing public sewer within the northern part of the site.

The application has been accompanied by an ecological appraisal which confirms the site consists predominantly of grassland that is of low ecological value. The existing hedgerow and damp grassland in the southern part of the site adjacent to the C2068 are noted as being of ecological interest and the appraisal makes a number of recommendations pursuant to these areas that are incorporated in the landscaping scheme.

The development will deliver the following community benefits:

- A commuted payment of £23,000 towards the improvement of education facilities in the relevant catchment schools.
- A commuted payment of £93,594 towards the improvement of the existing play and open spaces facilities in Porthyrhyd.
- A 69% proportion of affordable units consisting of a mix of dwelling types, sizes and tenures, certain of which will be the subject of a Social Housing Grant from the Welsh Government.

Planning Site History

There is no relevant planning history.

Planning Policy

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

SP1 - Sustainable Places and Spaces
SP3 - Sustainable Distribution – Settlement Framework
SP5 - Housing
SP6 - Affordable Housing
SP9 - Transportation
SP14 - Protection and Enhancement of the Natural Environment
SP16 - Community Facilities
SP17 - Infrastructure
SP18 - The Welsh Language
GP1 - Sustainability and High Quality Design
GP2 - Development Limits
GP3 - Planning Obligations
GP4 - Infrastructure and New Development
H1 - Housing Allocations
AH1 - Affordable Housing

TR2 - Location of Development – Transport Considerations
TR3 - Highways in Developments – Design Considerations
EQ4 - Biodiversity
EP2 - Pollution
EP3 - Sustainable Drainage
REC2 - Open Space provision and New Developments

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways – No objection subject to the imposition of conditions.

Head of Public Protection – Has requested that the application be accompanied by a noise impact assessment to assess whether the proposal is likely to be affected by existing developments in the locality including Wern-fraith farm, and the impact of construction noise on noise sensitive properties. Also recommends the imposition of suitable conditions relating to potential ground contamination within the site and the generation of dust during the construction phase of the development.

Dwr Cymru/Welsh Water – No objection subject to the imposition of conditions.

Head of Homes and Safer Communities – Has confirmed that that the Llanddarog Ward wherein the site is located is an area of high housing need. There is an under-supply of social rented homes across all house types in the ward and surrounding area which results in people in urgent housing need having to wait an unacceptable length of time to be homed in suitable accommodation.

Welsh Government (Transport) – No objection.

Natural Resources Wales – No objection.

Sustainable Drainage Approval Body (SAB) – No objection. Have confirmed that the surface water drainage scheme proposed to serve the development will require separate SAB approval.

Mid and West Wales Fire and Rescue Service - No objection.

Wales and West Utilities – No objection.

Police Liaison Officer – Has not commented on the application to date.

Local Members - County Councillor Ann Davies has no in principle objection to the development but considers that the number of dwellings proposed is excessive and will have a detrimental effect upon the Welsh Language.

Councillor Davies refers to concerns raised by neighbouring residents regarding existing surface water flooding problems in Porthyrhyd and that the public sewerage system is inadequate to serve existing developments, and that adding further properties will exacerbate its deficiencies.

Llanddarog Community Council – Have objected to the application and raised the following issues of concern:

- Only minor changes have been made to the application to address concerns raised by residents during the pre-application consultation process.
- The capacity of the sewerage system is inadequate to accommodate its current loading and the additional foul flows generated by the development. Reference is made to the sewerage system frequently flooding above ground and discharging into the Gwendraeth Fach river.
- The site is prone to flooding and is now registered as a bog due to it being susceptible to ponding.
- Vehicular access to the site is unsuitable with poor visibility in both directions at the junction of the C2068 with the B4310. Reference is made to the potential of closing of the central reservations on the A48 at Llanddarog and Foelgastell and the potential consequential increase in traffic in Porthyrhyd. The Council opine that the square at Porthyrhyd is currently congested at peak times and adding a large housing development will exacerbate this.
- The number of affordable homes proposed (69%) is disproportionately high compared with the 30% required under the Council's LDP and the likelihood of these being awarded to those from outside the local area and the consequential impact upon the Welsh language.
- Concerns regarding the provision of adequate services and infrastructure to serve the development including schools, medical services and public transport.

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

Summary of Public Representations

The application was the subject of notification by way of the posting of two site notices and the publication of a press notice in the local newspaper. Further site notices were subsequently posted in respect of revisions to the original scheme together with a further press notice. In response, a large volume of objection letters have been received from local residents and interested parties, as well as a local residents group (Mudiad Amddiffyn Porth-Y-Rhyd) which raise the following issues of concern:

- The scale of the proposal would constitute overdevelopment that is out of keeping with and disproportionate to the size of the village and surrounding area and will increase the size of Porthyrhyd by more than 50%. Respondents opine that this will result in anonymity in the village and increased crime.
- The number of units proposed exceeds the LDP allocation of 27 units for the site and the site has been omitted for the Council's emerging draft LDP.
- Unsustainable location given that the transport infrastructure in Porthyrhyd will not facilitate reduced car use or an increase in public transport use, walking or cycling.
- The development would place an additional burden on local services and infrastructure including local schools and health facilities.

- The development will exacerbate existing surface water flooding and drainage in the site and wider village.
- Risk of pollution to the Gwendraeth Fach River given the lack of capacity in the public sewerage system.
- Reference to instances where Welsh Water have had to extract sewage from the existing public sewerage system to lorries.
- Increased littering, crime, vandalism and anti-social behaviour from the development and the impact upon village life and the wellbeing of existing residents.
- Impact upon the privacy and living conditions of adjacent properties by overlooking and shining lights into properties, as well as the visitors to the neighbouring chapel graveyard.
- Impact upon flora and fauna within the site including bat and bird activity.
- Brownfield and rundown town centre sites should be developed or repurposed for social housing rather than developing sites that will harm the rural character of the County.
- Lack of capacity in the public sewerage system and the development will lead to increased loading upon the system and the discharge of untreated effluent to the Gwendraeth Fach river.
- Welsh Water discharged sewage into the Gwendraeth Fach river 77 times in the last year.
- Proximity to the neighbouring chapel graveyard and the impact upon funeral services within the cemetery by way of loss of privacy and disturbance.
- Impact upon the stone wall bordering the cemetery and the fabric of the graves therein.
- Loss of good agricultural land.
- Lack of water pressure.
- 60% of adults in the village of Porthyrhyd speak Welsh and the village therefore has a special linguistic significance that needs to be safeguarded. This is higher than in Llanddarog Ward where the number of Welsh speakers fell from 59% in 2011 to 53% in 2021.
- The need for a linguistic impact assessment of the new housing development allocated in the LDP and the planning application.
- Lack of evidence that the new houses proposed are needed and it is highly likely that the majority of residents will be non-Welsh speaking.
- Noise and pollution from the increased vehicular movements close to neighbouring properties and the impact by way of loss of privacy and light.
- Lack of play facilities.
- Lack of regard to the impact of the development upon the environment and existing development in the village.
- Impact upon the local highway network and the failure of the transport assessment to assess the impact of the potential closure of the Llanddarog and Foelgastell junctions of the A48 and the implications on traffic flows through Porthyrhyd.
- Lack of drainage statement, flood consequence assessment and detailed SuDS strategy to inform the Council's assessment of the development and the risks of flooding to the development and local area.
- Lack of detail as to who will be responsible for maintaining the surface water drainage system.
- Oversupply of housing land in the County within the LDP will result in the over development of villages such as Porthyrhyd.
- The site isn't allocated for housing in emerging LDP.
- Lack of sufficient and reliable pedestrian, cycling and public transport facilities to serve the development.

- Density, scale and massing of development would not reflect the existing character of the settlement and detract from the landscape character and appearance of the area.
- The surface water drainage infrastructure in the form of the new pipeline that will discharge to the watercourse is not within the development limits.
- Impact upon wellbeing and mental health of local residents.
- The development diverges from the objectives of the Wellbeing and Future Generations Act and will have a negative impact upon the 'resilience' goal.
- Lack of lighting plan to enable an assessment of the ecological impacts of the development.
- Loss of view and outlook from existing properties.
- Lack of sustainable measures such as green roofs and solar panels to minimise the carbon emissions of the development.
- Concerns that the number of social rented homes will result in an influx of tenants from outside the community.
- The development would be at odds with the linear pattern of development in Porthyrhyd with a single cluster of new units.
- The scale of development would not allow the gradual integration into the local community and lead to anonymity to the detriment of the continuation of the existing close-knit community.
- The need for mitigation measures such as the phasing of the development to safeguard the Welsh language.
- Local GP surgeries are closing and there are no available NHS dentists leaving a lack of health facilities for residents of the development.
- Lack of consultation.
- Concerns regarding the likelihood of Welsh Water being able to remove sources of land drainage water that are entering the public sewerage system and causing capacity problems during periods of heavy rainfall.
- Increased demand for broadband and consequential effect upon existing service provision.
- Lack of public transport.
- Concerns regarding the proximity and impact of the flats proposed in the development upon adjacent occupiers.
- No evidence of local housing need.
- The detrimental impact upon the Welsh language will be at odds with the objectives of Well-being and Future Generations Act 2015 and Future Wales: The National Plan 2040.
- Potential impact upon dormice.

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

Appraisal

Principle of development and impact upon the character and appearance of the area

The application site is allocated for residential development in the Council's adopted LDP under Policy H1 of the Plan and is identified as accommodating 27 dwellings, albeit this is an indicative figure for the purposes of the Plan. Housing allocation SC33/H3 refers. The allocation includes a small area of land between the site and the neighbouring Wern-fraith farm complex to the west, however, this land falls outside the application site and will provide separation between the development and the farm.

The principle of the residential development of the site is therefore well established and its allocation is founded in Porthyrhyd's status as a Sustainable Community (reference SC33) under Policy SP3 of the Plan in recognition of its sustainable location and services and facilities, as well as its links and interdependence with the neighbouring settlement of Llanddarog located some 800 metres to the west. Porthyrhyd has the benefit of a range of services and facilities which include a shop and post office, two public houses, car repair garages, chapel, community hall and a children's park and sports playing field. Similarly, Llanddarog has a primary school and a number of public houses, and both settlements are located on a bus route along the B4310 which provides public transport links to, amongst others, Carmarthen and Cross Hands with the nearest bus stop being located within a short walking distance of the site. Both settlements also have easy access to the nearby A48 corridor and, collectively, contain a broad range of services and facilities and sustainable transport links that would be easily accessible to the occupants of the development in accordance with the sustainability objectives of the LDP and national planning policy.

A common ground of concern amongst respondents is the scale of the development within the context of the current size of Porthyrhyd and that it will result in the overdevelopment of the site and be harmful to, amongst other things, its character and appearance. In terms of dwelling numbers, the site is identified as accommodation 27 dwellings in the adopted LDP, however, it is important to note that this is a notional figure for the purposes of the Plan. Although the number of dwellings proposed (42) exceeds this figure, nonetheless, the resulting density of 26 units per hectare is not considered to be high; indeed it is in accord with the objectives of national planning policy set out in Planning Policy Wales, Edition 12, which, in paragraph 4.2.23, advises that '*planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use land and buildings in their areas*'. The development is at a higher density than the existing housing development located along the C2068 within the immediate vicinity of the site, however, the wider settlement includes a mix of development types and successfully accommodates areas of higher densities similar to that currently proposed such as the Cwm Catti and Derwendeg housing estates.

The general scale, design and spatial layout of the development with its mix of two storey houses and bungalows of varying types and sizes would not be discordant with this surrounding pattern of development. In visual terms, the site is well contained being surrounded on three sides by existing built development and its development would maintain the compactness of the existing built-up area. The new dwellings will be spaced apart from one another with intervening drives and generous side and rear gardens and the perimeter block arrangement will mean they will face out onto the internal estate road and the neighbouring field and roadway to the north and south of the site respectively. There would be adequate space around the dwellings whereby they would not appear cramped or overdevelop the site. The dwellings on the southern outer edge of the development will consist of lower density detached bungalows that will front onto the C2068 and reinforce the existing pattern development along the roadway. Views of the development from the roadway will be softened by the landscaped areas flanking the northern side of the road while, internally, street views of the new dwellings will be broken up by extensive landscaping in the front and side gardens as well as new tree planting along the estate road and high-quality boundary treatment measures in the form of a mix of facing brick walls and fencing.

The finished levels of the development will be comparable with the prevailing levels of field enclosure and although the dwellings proposed along the northern perimeter of the site will occupy the highest part of the site, their northerly orientation combined with the planting of

a new native species hedgerow and tree planting along the northern boundary of the development will create an attractive northerly façade that will not be visually dominant nor unacceptably detract from the character and appearance of the surrounding area. The design, mix of finishing materials and extensive planting coupled with the permeability of the development in terms of vehicular and pedestrian links will all contribute to providing a high-quality development that will respond well to its surrounding context and create an attractive and inviting environment for future occupiers.

The Council's Head of Homes and Safer Communities has confirmed that the Llanddarog Ward wherein the site is located is an area of high housing need where there is an undersupply of social rented homes across all house types which is resulting in people in urgent housing need having to wait an unacceptable length of time to be homed in suitable accommodation. The development will provide a wide mix of house types that have been specifically designed to help address this identified need which include detached and semi-detached properties of varying sizes as well as smaller one-bedroom flats. It will include a 69% proportion of affordable units which is significantly greater than the 30% policy requirement of the LDP, with the overall number of units consisting of a mix of tenures that will include both private and low-cost affordable dwellings as well as a large number of social rented properties. The latter will consist of a mix of one, two, three and four-bedroom properties. This targeted mix of dwelling types proposed by the applicant is in accord with the objectives of national planning policy set out in Planning Policy Wales, Edition 12, which, in paragraph 4.2.30, advocates that '*applicants for planning permission should demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies*'.

The overall mix of dwelling types within the development has resulted in a greater number of units than the notional figure contained in the LDP. Nevertheless, this higher number of units does not manifest itself in a development layout or density that would result in the overdevelopment of the site, nor would it be of a scale that would be disproportionate with the overall size of Porthyrhyd. The settlement has a fragmented development pattern consisting of a number of separate clusters of residential development which include numerous housing estates of varying sizes and densities and the development falls within the largest of these with its range of community facilities and will not be discordant with this prevailing pattern of development. The efficient use of land is an important aspect of sustainable development and the scheme has been carefully designed to meet an existing housing need while also integrating into the site with no unacceptable visual effects on the character and appearance of the surrounding area. It is noteworthy that the figure of 27 dwellings referred to in the LDP would result in a markedly low density of just 15 dwellings per hectare in the context of current planning policy advice. Developing the site at such a low density would inevitably result in significantly larger dwelling types that would not be financially accessible to most local residents in need of new housing and, as a consequence, such a development would not contribute towards meeting the high housing need in the area identified by the Council's Head of Homes and Safer Communities.

The new dwellings will be located within a short walking distance of existing services and facilities in Porthyrhyd and will help to sustain and support these, including the primary school in Llanddarog. The Council's Head of Access to Education has confirmed that the relevant catchment schools have surplus places and sufficient capacity to accommodate additional pupils from the development, while the scheme will also contribute towards the improvement of existing facilities in these schools. The development will also contribute towards the improvement of the existing play and open space facilities in Porthyrhyd which are just a short walking distance of the site.

The development therefore accords with policies H1, SP1, SP3, SP5, SP9, TR2 and GP1 of the LDP in that it represents a sustainable form of development that will not unacceptably impact upon the character and appearance of the surrounding area. Further, it is also in compliance with policies SP6, GP3 and AH1 in that it will include a proportion of affordable housing and contribute towards the improvement of existing community facilities in the local area.

Impact upon living conditions

The respondents raise concerns that the development will have a detrimental effect upon the living conditions of residents living close to the development referring to impacts such as loss of privacy and outlook, noise and disturbance, shining lights and increased pollution.

Turning firstly to loss of privacy, the southern and eastern perimeters of the site are bounded by a number of residential properties that will adjoin the development. The two properties adjoining the southern boundary of the development, 'Wern-fraith Lodge' and 'Bwthyn y Dryw' will be adjacent to a pair of semi-detached houses on plot nos. 39-42 and the four one-bedroom flats on plots 35-38 of the development. Although the rear elevations of the semi-detached properties will have a southerly orientation towards the rear of both existing properties, minimum separating distances of 21 metres between the facing elevations coupled with the provision of new boundary fencing along existing boundaries will prevent any unacceptable harm by way of loss of privacy through overlooking. It is of note that the plans submitted do not include boundary fencing between the parking spaces of plot no. 42 of the development and the rear garden space of 'Bwthyn y Dryw' and a suitable condition securing the same will be imposed on any planning permission granted to ensure that those using the parking spaces do not have a direct outlook into the rear garden space of the existing property.

The four flats proposed on plots 35-38 will be provided in a two storey building that will have the appearance of two large semi-detached properties in the south western part of the site, with two flats on the ground and first floors respectively. The building will be orientated in an easterly direction and whilst its front elevation will include first floor living room and hallway windows that will serve the two first floor flats, any outlook towards 'Wern-fraith Lodge' would be at an oblique angle towards part of its rear garden area and not the dwelling itself. The first-floor flats would have an outlook towards the rear garden and elevation of 'Bwthyn y Dryw' however, the minimum separating distance of 22 metres combined with new boundary fencing will ensure there will be no unacceptable loss of privacy. Similarly, the separating distances between the flats and both existing properties will be sufficient to ensure the building will not unduly compromise the respondent's existing outlook or appear as an overbearing feature.

The design, orientation and separating distance between the properties on the eastern perimeter of the development and the neighbouring properties fronting the B4310 will also safeguard against any unacceptable impact upon the living conditions of their occupiers by way of loss of privacy, outlook or overbearance. A number of respondents refer to the proximity of the development to the chapel graveyard to the east of the site and the impact upon the privacy of those visiting or attending funeral services therein. The first-floor windows of a number of the new dwellings will be orientated towards the graveyard, however, there is currently an open outlook into the graveyard from the roadway and the additional outlook from a number of first floor bedroom windows will not increase the perception of being overlooked to such a level that it would be oppressive or uncomfortable.

Those living within the vicinity of the site will clearly experience an increase in the number of vehicular movements passing their properties as a result of the development. Nevertheless, it is not considered that the number of traffic movements generated would result in significant levels of disturbance, noise, fumes or other nuisance for those occupiers. Moreover, the properties located close to the access to the development will be sufficiently distant of the new estate road and its junction with the C2068 to prevent any unacceptable harm in terms of the direction of headlights of vehicles entering and leaving the development.

Any noise and disturbance during the construction period of the development would be short-lived and will be minimised with the implementation of a suitable Construction Environmental Management Plan as part of the development of the site. This will be secured with the imposition of a condition on any permission granted, as will the need to investigate any potential ground contamination in the site in accordance with the advice of the Council's contaminated land officer.

Finally, members will have noted above that the Head of Public protection has requested that the application be accompanied by a noise impact assessment to assess whether the new dwellings are likely to be affected by existing development in the locality including Wern-fraith farm. However, the existing agricultural buildings located within the farmstead are located approximately 75 metres from the nearest dwelling in the development being separated by a small field enclosure, trees and hedgerows, and the access lane leading to the farm. This distance coupled with the modest size of the farm complex is considered sufficient to safeguard against any unacceptable noise impact upon the future occupiers of the development and it would therefore be unreasonable to request such an assessment.

The proposal is therefore in accord with the objectives of policies GP1 and EP2 of the LDP in that it will not unacceptably harm the living conditions of the occupiers of surrounding properties.

Impact upon the Welsh Language

A significant proportion of respondents raise concerns regarding the impact of the development upon the Welsh language. They opine that the settlement of Porthyrhyd is of special linguistic significance given its high proportion of Welsh speakers and that a development of the scale proposed will undermine its current linguistic balance. Reference is made to the need for the application to be accompanied by a Welsh language impact assessment as well as mitigation measures such as the phasing of the development to safeguard the language.

The policy context for assessing the impact of developments upon the Welsh language is provided by Policy SP18 of the LDP which seeks to safeguard and promote the interests of the Welsh language. The policy requires that proposals for residential developments of 5 or more dwellings in Sustainable Communities on sites within communities where 60% or more of the population are able to speak Welsh, will be the subject of a requirement for phasing. This policy is reinforced by the Council's adopted Welsh language Supplementary Planning Guidance (SPG) which sets out further guidance in respect of the policy and the requirement to phase residential developments in areas where 60% or more of the population speaks Welsh.

Technical Advice Note 20 'Planning and the Welsh Language' (October 2017) provides national planning guidance on how the Welsh language may be given appropriate consideration in the planning system both in terms of the preparation of local development plans and the determination of planning applications. Paragraph 3.1.3 of the TAN advises that *'Planning applications should not routinely be subject to Welsh language impact assessment as this would duplicate the sustainability appraisal and LDP site selection processes. Provided that the sustainability appraisal has given due consideration to the Welsh Language, an impact assessment at application stage would not be based on any further information than that which has been presented during the plan preparation stage. The only exception to this is outlined below'*.

The guidance continues to identify 'the exception below' as 'Windfall sites' (i.e sites that are not specifically allocated for development) where a local planning authority may consider the development of a Welsh language impact assessment at the application level, in recognition that the appropriate stage at which to determine a Welsh language impact is at the plan making stage. However, given that windfall sites would not be known at that point, consideration of the likely effects on the Welsh language as a mandatory element of the sustainability appraisal would not have been undertaken.

As already mentioned, the site is allocated for residential development within the adopted LDP and the impact of its development together with the overall spatial strategy, policies and land use allocations of the Plan upon the use of the Welsh language have been assessed during the plan making process and deemed to be acceptable. Whilst the application proposes a higher number of dwellings than the figure contained in the Plan, nonetheless, as indicated above, these are notional figures that will invariably be the subject of variances at the detailed application stage. Despite this, the development will consist of a large proportion of affordable dwellings (29 no. of the 42 no. proposed or 69%) that will make a significant contribution towards meeting the high housing need in the local area identified by the Council's Head of Homes and Safer Communities. These will consist of a mix of low cost and social rented dwellings that will be affordable to local people that speak Welsh and are in need of new accommodation and want to remain in the area. They will therefore contribute towards the aim of safeguarding the Welsh language in the area by enabling local people to live and work in the area, while also allowing their children to attend the local Welsh medium schools of Llanddarog primary school and Maes y Gwendraeth secondary school thereby helping to sustain these community facilities that, in themselves, contribute to promoting and facilitating the use of the language.

The Council's Welsh language SPG recognises the contribution that affordable housing makes towards safeguarding the use of the language whereby in considering planning applications for residential developments in those wards of the County where 60% or more of the population speak Welsh, any affordable dwellings proposed do not form part of the calculation of the phasing thresholds designed to mitigate against negative impacts upon the language. Indeed, there is no requirement for any phasing on those developments that consist solely of affordable housing in these wards of the County. Similarly, the accessibility of affordable housing to those within local communities that speak Welsh and the contribution they make towards the aim of safeguarding the Welsh language and culture has been afforded considerable weight by Planning Inspectors in previous appeal decisions.

In relation to the above, the applicant has provided supplementary information regarding two recent housing developments completed by Pobl in the County which, similar to the current application, consist predominantly of affordable housing with a high proportion of social-rented properties. The first is the Golwg y Capel development in Tycroes which consists of

34 social rented properties, while the second is the Maes y Gwenyn development in Cross Hands which includes 20 social rented properties. These properties were allocated on the basis of local lettings policies that were developed within the scope of the Council's Allocation Policy for its housing stock and specifically designed to meet the housing needs in the respective local areas. The principal objective of a local lettings policy is to provide homes for people in housing need as well as local people who have a local or community connection with the area, with the intention of creating a balanced sustainable community. As a result of these policies, Pobl have confirmed that 68% of the occupants of the new rented properties in the Golwg y Capel development previously lived within five miles of Tycroes and 83% lived within 12 miles of the village. Similarly, 65% of the occupants of the rented properties in the Maes y Gwenyn development previously lived within 5 miles of Cross Hands and a larger proportion of 90% within 10 miles.

The applicant will implement a similar local letting policy for the 19 social rented units proposed in the current proposal which, together with the 10 low-cost home ownership units, will be available to those in need of new accommodation and want to remain in the local area thereby making a positive contribution towards safeguarding the Welsh language. A large proportion of respondents take a contrary view and suggest that it is likely that the majority of the occupants of the development will be from outside the local area and not speak Welsh, however, they have provided no evidence to support this contention.

Further, it is noteworthy that the supplementary information provided by the applicant refers to the intention to advertise the shared ownership and open market dwellings for an initial period of 8 weeks for people with a local connection with the area and that a restriction for the same be placed on the title of the properties for the future sales of the dwellings. Whilst any such restriction would prioritise those with a local connection to the area, its implementation and retention for the lifetime of the development will be outside the scope of planning control and cannot be secured as part of any permission granted.

Finally, the respondents suggest that the settlement of Porthyrhyd is of special linguistic significance based upon a survey of Welsh speakers undertaken by residents in October 2023. Whilst they contend that 68.5% of the population of the village are Welsh speakers based upon this local survey, the census of population is the principal and most reliable source that is used to measure the number of Welsh Speakers in Wales. The 2021 Census results confirm that the number of Welsh Speakers in the Llanddarog Ward wherein Porthyrhyd is located was 55.8%, having fallen from 59.4% in the previous census in 2011. This figure falls below the 60% threshold defined in Policy SP18 of the LDP where a phased approach is required to safeguard and promote the Welsh language, and there is therefore no policy requirement to implement the development in phases. Indeed, to do so would unnecessarily delay the significant social benefits the development will provide in meeting the high housing need in the area.

The proposal is therefore in accord with the objectives of policy SP18 of the LDP and national planning policy in that it will not unacceptably impact upon the use of the Welsh language in the settlement and surrounding area.

Flooding and drainage

Turning firstly to flood risk, the development will be located within zone A of the development advice maps (DAM) referred to under Technical Advice Note (TAN) (2004) which is defined as being at little or no risk of flooding. The northern periphery of the site is partially located in zone C2 of the DAM maps and Flood Zone 2 (rivers) of Natural Resources Wales' Flood

Map for Planning (FMfP), however, this part of the site is included in the scheme solely for the purposes of providing a piped surface water outfall from the development to an existing watercourse located in the northern periphery of the site.

The southern periphery of the site fronting the C2068 falls within Zones 2 and 3 (surface water and small water course) of the FMfP and is at risk of surface water flooding primarily due to its low topography whereby it is set below the level of road. However, the scheme has been carefully designed to provide a landscaped area in this part of the site that will incorporate two natural catchment basins that will receive the surface water from the development and the existing road drainage system before being discharged at an attenuated rate to an existing watercourse to the north of the site. This area will therefore be free of any built development and the access into the development also falls outside the area currently at risk of flooding.

Natural Resources Wales have confirmed their acceptance of the proposal from a flood risk perspective.

In terms of surface water drainage, the application has been accompanied by a drainage strategy that will dispose of surface water from the development in a sustainable and controlled manner. Whilst concerns have been raised regarding the potential impact of the development upon the surrounding area and properties by way of surface water flooding, the detailed design of the surface water scheme and hydraulic modelling used to inform its design will be assessed as part of a separate SAB application. The applicant will not be permitted to commence the development until the scheme has been fully considered and approved by the Council's SAB team thereby safeguarding against any unacceptable flooding impacts. The SAB application will also address matters relating to the future maintenance of the new surface water infrastructure. Any permission granted will be conditioned to require the submission and approval of the detailed design of the surface water drainage scheme prior to the commencement of any development.

The SAB team have raised no objection to the drainage strategy proposed and, as already mentioned, requested a change to the development whereby the point of discharge to the watercourse in the northern periphery of the site has been relocated to a position some 140 metres to the west of its original position, thereby significantly increasing the distance between this outfall and the nearest neighbouring properties. This change resulted in the submission of a further separate planning application in respect of the extended surface water infrastructure which is also presented to members for consideration under application PL/07200. The SAB team have also raised no objection to this separate planning application given that it forms part of the wider drainage strategy for the development and was submitted pursuant to their advice.

A number of respondents have objected to the application on the basis that the surface water connection from the new dwellings to the watercourse falls outside the development limits of Porthyrhyd. Policy GP2 seeks to direct new development primarily to locations within the development limits of the settlements identified in the Plan, however, it does not prohibit development outside the defined limits subject to them not being inappropriate development in the countryside. Although the surface water infrastructure will extend beyond the defined limits of the settlement, nonetheless, it is required to facilitate the development of an allocated housing site to enable it to be drained in a sustainable and controlled manner. Moreover, it will primarily consist of an underground pipe that will be indiscernible in the wider field enclosure and not detract from its appearance or that of the surrounding area in any way.

A common ground of concern amongst respondents is the adequacy of the public sewerage system to accommodate the additional foul flows from the development. Reference is made to a current lack of capacity in the system which results in the flooding of properties and Welsh Water having to extract sewage from the system to lorries. They also contend that the lack of capacity results in the regular discharge of untreated effluent into the Gwendraeth Fach river and that the development will exacerbate the frequency of flooding and discharges to the river as a result of the increased volume of flows into the system.

The foul flows from the development will discharge to the existing public sewerage system in the Porthyrhyd via a connection located in the field enclosure some 25 metres to the north of the location of the proposed dwellings. Welsh Water have confirmed their acceptance of the proposals and raised no concerns from either a sewage capacity or treatment perspective, while also confirming there is current capacity in the water supply system to accommodate the development.

In commenting on the adequacy of the public sewerage system, Welsh Water indicate that the foul flows from the development will drain to Porthyrhyd Sewerage Pumping Station before being treated at the sewerage treatment works in Llanddarog. Moreover, they confirm that the anticipated additional discharge rate of 2.1 litres per second generated by the development that will enter the existing system can be accommodated without adverse harm in respect of an increased risk of environmental harm or the flooding of existing properties. They recommend the imposition of a condition on the planning permission that prevents the occupation of the new dwellings until the foul drainage scheme has been completed in accordance with the details submitted with the application. Any permission granted will be conditioned in accordance with their advice.

Welsh Water acknowledge that the existing sewerage system currently has operational challenges with water inflow entering the system from several sources including land drainage water from fields located higher up in the catchment which is affecting the capacity of the system at its lower levels in Porthyrhyd during periods of heavy rainfall. They indicate that the system is not designed to accommodate these additional land or groundwater flows and they are currently in the process of investigating these sources with a view to remediating the problem and preventing these flows from entering the system. This work includes engagement with various stakeholders including the Council and Community Council, as well as local landowners. In terms of storm overflows, they also confirm that they currently have an agreed approach with the Welsh Government to address those assets that are causing an environmental impact and currently have a programme in place to assess the impact of storm overflows which includes the Porthyrhyd Sewerage Pumping Station and the treatment works in Llanddarog. This programme will inform their understanding of the impact of their assets allowing them to address those of the highest priority and provide benefits in terms of overall water quality.

A number of respondents question the likelihood of Welsh Water being able to remove sources of land drainage from the sewerage system to improve its capacity at times of heavy rainfall. Nevertheless, work on identifying and removing these flows from the system is currently ongoing and Welsh Water have confirmed that they are satisfied that the additional foul flows from the development can be accommodated without an increased risk of flooding or environmental harm. Further, Natural Resources Wales have raised no concerns in respect of the latter and the impact of the development upon the water quality of watercourses and rivers in the area.

The proposal is therefore in accord with the objectives of policies SP2, SP17, GP4, EP2 and EP3 of the LDP in that it will not be at risk of flooding and will be drained in a sustainable and acceptable manner that will not result in any adverse flooding or pollution impacts.

Highway Safety

The applicant has provided a transport statement in support of the application that reports on the assessments of the impact of the development upon the local highway network. It estimates that the 42 dwellings proposed will generate some 18 two-way peak hour vehicle movements in the morning (08:00 – 9:00) and 17 two-way peak hour vehicle movements in the afternoon (16:00 – 17:00). This would amount to no more than one additional vehicle movement every 3 minutes during the busiest periods which the statement considers to be negligible in traffic terms and will have no material impact upon the operation of the surrounding highway network.

The Head of Transportation & Highways has confirmed his acceptance of the findings of the transport assessment and is satisfied that the additional traffic generated by the development can be safely accommodated on the local highway network. He is also satisfied that the level of off road parking provision is sufficient to meet the needs of the occupants of the development and complies with the Council's adopted parking standards. He recommends the imposition of a number of conditions on any permission granted which include the requirement to widen the carriageway width of the roadway fronting the site to 5.5 metres and the requirement to provide a construction traffic management plan prior to the commencement of the development. Similarly, the Welsh Government's Transport Division has raised no objection in terms of its impact upon the nearby A48 trunk road.

The proposal would not, therefore, generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety, in line with the objectives of Policies TR3 and GP1 of the LDP.

Other Matters

Concerns have been raised that the development will lead to anonymity and increased crime and anti-social behaviour in the village of Porthyrhyd, however, the respondents have not provided any cogent evidence to support this contention. As already mentioned, the scheme has been carefully designed to meet the high housing need in the area and it is not considered to be of such a scale that will preclude the occupants from effectively integrating into the village community or adversely affect the perception of existing residents of feeling safe in both their homes and local community. It is of note that Dyfed Powys Police have raised no concerns regarding the proposal from a crime or safety perspective.

A number of respondents suggest that the development will place an additional burden on local health facilities, however, given its modest scale it is not envisaged that future occupants would not have access to the range of health care facilities available in the wider area including doctor's surgeries and hospital facilities.

Whilst concerns have been raised regarding the ecological impact of the development, the ecological appraisal accompanying the application confirms the site consists predominantly of grassland that is of low ecological value. Further, the design of the scheme retains the existing trees and hedgerows bordering the western boundary of the site and includes the planting of new native species hedgerows on the northern and southern perimeters of the site which, combined with the robust planting proposals throughout the development, will

deliver an overall net benefit for biodiversity in accordance with the objectives of Planning Policy Wales and the Environment Act 2016. The Council's Planning Ecologist and Natural Resources Wales have both raised no objection to the proposal from an ecological perspective.

In terms of the concerns that the development will result in the loss of good agricultural land, approximately two thirds of the site is classified as grade 3a agricultural land which constitutes the best and most versatile agricultural land, while the remainder is classified as grade 3b being of moderate quality. The proposal will therefore result in the loss of an area of the best and most versatile agricultural land, however, given the modest size of the site the extent of this loss will not be significant. Moreover, considerable weight must be afforded to its allocation as a housing site in the Council's LDP and its contribution towards meeting the high housing need in the area. In this regard, the proposal accords with the objectives of paragraphs 3.59 of Planning Policy Wales which advises that land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development.

Any damage caused to the existing stone wall bordering the site and the neighbouring cemetery would be a private civil matter outside the scope of planning control. However, the new dwellings will be sufficiently distant of the wall and cemetery to safeguard against any unacceptable harm. A number of respondents refer to the omission of the site from the development limits of Porthyrhyd in the revised LDP. Nevertheless, this plan is still currently in the plan preparation process and afforded no weight in the determination of planning applications.

The provision of sustainable measures such as solar panels and green roofs within the development are not currently a planning policy requirement and their absence would not therefore be sound basis upon which to withhold planning permission. Concerns have been raised regarding the potential effect of the development upon existing broadband service provision, however, no evidence has been provided to substantiate these concerns.

Finally, concerns regarding the lack of consultation are unfounded given that the proposal has been the subject of extensive consultation both prior to and following the receipt of the planning application. The former included the need for the applicant to undertake pre-application consultation in accordance with the prescribed statutory requirements and the application and subsequent additional information have been publicised in accordance with the relevant statutory requirements.

Planning Obligations

The development will provide the following community benefits that will be secured via a Section 106 agreement :

- A commuted payment of £23,000 towards the improvement of education facilities in the relevant catchment schools.
- A commuted payment of £93,594 towards the improvement of the existing play and open spaces facilities in Porthyrhyd.
- A 69% proportion of affordable units (or 29 no. dwellings) consisting of a mix of dwelling types, sizes and tenures, certain of which will be the subject of a Social Housing Grant from the Welsh Government. The Section 106 agreement will secure a minimum 30% proportion of affordable units to align with the requirements of Policy AH1 of the LDP.

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 examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's LDP as well as those of National Planning Policy.

The site is allocated for residential development purposes in the adopted LDP and Section 38 of the Planning and Compulsory Purchase Act 2004 requires that, in determining a planning application, the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory consultees have all confirmed their acceptance of the development in raising no sustained ecology, highway, flooding, utility provision or amenity objections to the application, and there are no material considerations that would justify a determination other than in accordance with the adopted Plan.

For these reasons, the application is put forward with a favourable recommendation subject to the completion of the Section 106 agreement securing the relevant community benefits and the imposition of the following conditions.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The works hereby granted consent 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 works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans and information:-

- Suds Strategy Outfall Plan (2542-510)

received on 6 February 2024

- Existing Junction Swept Path Analysis (1579-ACS-XX-ZZ-DR-T-004-A)

received on 29 January 2024

- Carriageway Widening Cross Sections (2542-506)
- Engineering Appraisal Plan (2542-505-Rev I)
- Site layout (2542-01(03)101 – Rev V)

received on 26 January 2024

- Plots 19 & 20 Elevations [2524-13(03)313]
- Plots 19 & 20 Floor Plans [2524-13(03)313]
- Plots 41 & 42 Elevations [2524-14(03)314]
- Plots 41 & 42 Floor Plans [2524-14(03)314]

received on 15 January 2024

- Detailed Soft Landscape Proposals [TDA.2921.01]
- Green Infrastructure Statement - TDA - December 2023
- Landscape Specification & Management Plan - TDA - December 2023

received on 14 December 2023

- Garage, Bin and Cycle Store Plans and Elevations [2542 - 12(03)312]
- Boundary Treatment Elevations [02(03)102]
- Preliminary Ecological Assessment - DKEcology - 11th December 2023
- 211 Elevations [2524 -06(03)306 B]
- 211 Floor Plans [2524 -06(03)206 A]
- 532 Elevations (Plots 1, 2 and 3) [2524 -10(03)310 B]
- 532 Elevations (Plots 4 and 5) [2524 -10(03)310-01]
- 532 Floor Plans (Plots 1, 2 and 3) [2524 -10(03)210 A]
- 532 Floor Plans (Plots 4 and 5) [2524 -10(03)210-01]

received on 12 December 2023

- Hydraulic Modelling Report - JBA Consulting - October 2023

received on 27 October 2023

- Hampstead Elevations Render [2524 -04(03)304-02 - Rev A]
- Hampstead Floor Plans [2524 -02(03)204]
- Hampstead Special Elevations Render [2524 -02(03)304-04 - Rev A]
- Hampstead Special Floor Plans [2524 -02(03)204-01]
- House Type 421 Elevations [2524 -02(03)307 - Rev A]
- House Type 421 Floor Plans [2524 -02(03)207]
- House Type 531 Elevations [2524 -02(03)308 - Rev A]
- House Type 531 Floor Plans [2524 -02(03)208]
- House Type 641 Elevations [2524 -02(03)311]

- House Type 641 Floor Plans [2524 -02(03)211]
- Letchworth Elevations Brick [2524 -02(03)302-01 - Rev A]
- Letchworth Elevations Render [2524 -02(03)302-02 - Rev A]
- Letchworth Floor Plans [2524 -02(03)202]
- Letchworth Special Elevations Brick [2524 -02(03)302-03- Rev A]
- Letchworth Special Elevations Render [2524 -02(03)302-04 - Rev A]
- Letchworth Special Floor Plans [2524 -02(03)202-01]
- Location Plan [2524 -02(03)103 - Rev C]
- Morris Elevations [2524 -02(03)203 - Rev A]
- Morris Floor Plans [2524 -02(03)203]
- Osbourne Elevations [2524 -02(03)301 - Rev A]
- Osbourne Floor Plans [2524 -02(03)201]
- Rhiwbina Elevations [2524 -02(03)200- Rev A]
- Rhiwbina Floor Plans [2524 -02(03)200]
- Design and Access Statement
- Dormice Assessment Report
- Transport Statement
- Tree Survey Report

received on 28 September 2023

Reason:

In the interest of clarity as to the extent of the permission.

Condition 3

Prior to the occupation of the development hereby approved, the C2068 county road fronting the site shall be widened to provide a carriageway width of 5.5 metres in accordance with the details shown on the drawings hereby approved and thereafter retained for the lifetime of the development.

Reason:

In the interests of highway safety.

Condition 4

Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the C2068 road.

Reason:

In the interests of highway safety.

Condition 5

Prior to any use of the new access junction by vehicular traffic, a visibility splay of 2.4 metres x 25 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access junction in relation to the nearer edge of carriageway of the C2068 road. In particular, there shall at no time be any obstruction above 0.6 metres within this splay area.

Reason:
In the interests of highway safety.

Condition 6

The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 15.0 metres from the edge of the carriageway of the C2068 road.

Reason:
In the interests of highway safety.

Condition 7

The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.

Reason:
In the interests of highway safety.

Condition 8

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole internal estate road frontage within 2.4 metres of the near edge of the carriageway.

Reason:
In the interests of highway safety.

Condition 9

Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.

Reason:
In the interests of highway safety.

Condition 10

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 interests of highway safety.

Condition 11

No development shall take place until a detailed Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Plan.

Reason:

In the interests of highway safety.

Condition 12

No development shall take place until a scheme for the provision of bird (swift) boxes and bat boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the occupation of the dwellings.

Reason:

In the interests of enhancing biodiversity.

Condition 13

No development shall take place until the applicant has:

1. Undertaken a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area. The Preliminary Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. This investigation and assessment must be carried out by a suitably qualified competent person. The risk assessment shall establish a 'conceptual site model' which identifies and assesses all identified potential source, pathway, and receptor linkages.

If the preliminary risk assessment identifies that there are potentially unacceptable risks, a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person.

2. Undertaken a site investigation, by a suitably qualified competent person, to determine the nature and extent of contamination in accordance with a methodology that has previously been submitted to and approved in writing by the Local Planning Authority. The site investigation report (Quantitative Risk Assessment) shall provide information to refine and update the conceptual model outlined in the Preliminary Risk Assessment.

Where necessary, the report shall include an appraisal of remedial options and identify the most appropriate remediation option(s) for each relevant pollutant linkage. The report shall be submitted to and approved in writing by the Local Planning Authority.

3. Produced a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to relevant receptors. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental

Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme shall not be submitted until written approval of the Quantitative Risk Assessment has been received from the Local Planning Authority. The scheme is subject to the written approval of the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency guidance – ‘Land Contamination: Risk Management (LCRM; 2020)’ and the WLGA document ‘Development of Land Affected by Contamination: A Guide for Developers’ (2023).

Reason:

To ensure that ground contamination is addressed in an acceptable manner.

Condition 14

In the event that contamination that has not been identified previously is encountered during the development, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

In the event that site contaminants are found during the development in areas previously expected to be clean, their remediation shall be carried out in line with the agreed remediation scheme.

Reason:

To ensure that ground contamination is addressed in an acceptable manner.

Condition 15

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. If required, it shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

The verification report must be submitted to approved in writing by the Local Planning Authority prior to occupation of the proposed development and its contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency guidance – ‘Land Contamination: Risk Management (LCRM; 2020)’ and the WLGA document ‘Development of Land Affected by Contamination: A Guide for Developers’ (2023).

Reason:

To ensure that ground contamination is addressed in an acceptable manner.

Condition 16

The foul drainage scheme shown on the Engineering Appraisal Plan (2542-505-Rev 1) received on 26 January 2024 shall be completed in accordance with the details shown prior to the occupation of the development. It shall be retained thereafter for the lifetime of the development and no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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 17

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, dust control, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel washing facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason:

To prevent the pollution of the environment and safeguard the living conditions of adjacent occupiers.

Condition 18

The landscaping scheme defined in the Detailed Soft Landscape Proposals [TDA.2921.01], Green Infrastructure Statement - TDA - December 2023 and Landscape Specification & Management Plan - TDA - December 2023 received on 14 December 2023, shall be fully implemented in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is the sooner.

Any existing elements retained or translocated, or new elements installed, constructed, planted or seeded in accordance with the approved scheme which, within a period of 5 years after implementation are removed, die, become diseased, damaged or otherwise defective to such extent that, in the opinion of the Local Planning Authority, the function of the element in relation to this planning approval is no longer delivered, shall be replaced, within six months of written notification by the Local Planning Authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification.

Reason:

To ensure that the development enhances the character and appearance of the site and embraces opportunities to enhance biodiversity and ecological connectivity.

Condition 19

No development shall commence until a Landscape Constraint Plan (LCP) has been submitted to and approved in writing by the Local Planning Authority. The LCP shall define the following: -

- a) Stem location, canopy spread and root protection area (RPA) of all trees and groups of trees within or on the application boundary, and outside the boundary with a canopy spread which overhangs the boundary.
- b) Outer extent of above ground growth or canopy spread; and RPA of all other landscape elements (hedgerows and continuous woodland/ scrub/ shrub areas) within or on the application boundary.

In the event that the development will result in potential impacts from: construction operations; changes in level; construction phase access; or installation of underground apparatus, within any RPAs defined within the LCP, the following shall also be submitted for approval: -

- i) Tree survey and Categorisation Report for all trees, groups of trees and other landscape elements subject to potential impacts within the RPAs.
- ii) Arboricultural Impact Assessment (AIA) which identifies the impacts of the proposed development on all trees, groups of trees and other landscape elements. The AIA shall clearly indicate which are to be retained; which are subject to potential impacts; and which are to be removed. The AIA shall provide appropriate mitigation proposals for all trees, groups of trees and other landscape elements which are to be removed.

- iii) Arboricultural Method Statement (AMS) which provides methodology for the implementation of any aspect of the development that is within the RPA of all trees, groups of trees and other landscape elements identified for retention within the AIA.
- iv) Tree Protection Plan (TPP) which provides details of all protective measures, operations and construction exclusion zones for all trees, groups of trees and other landscape elements to be retained.

All information shall be in compliance with the recommendations of BS5837.

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

Reason:

To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness.

Condition 20

Prior to the installation of any external lighting, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall seek to minimise lighting impacts upon near wooded areas and hedgerows in accordance with the recommendations contained in Section 5.11 of the Preliminary Ecological Assessment - DKEcology - 11th December 2023 received on 12 December 2023, and shall be implemented in accordance with the approved details.

Reason:

To safeguard against any unacceptable ecological impacts.

Condition 21

The boundary treatment measures shown in the site layout plan (2542-01(03)101 – Rev V) received on 26 January 2024 and Boundary Treatment Elevations [02(03)102] drawing received on 12 December 2023 shall be provided in accordance with the details shown prior to the occupation of the dwellings and retained for the lifetime of the development.

Reason:

In the interest of safeguarding residential amenity.

Condition 22

No development shall commence until a scheme of boundary treatment measures to be erected between the three parking spaces of plot no. 42 shown on the site layout plan (2542-01(03)101 – Rev V) received on 26 January 2024 and the curtilage of the neighbouring property of 'Bwthyn y Dryw' has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided in accordance with the approved details prior to the occupation of the dwelling on plot no. 42 and retained for the lifetime of the development.

Reason:

In the interest of safeguarding residential amenity.

Condition 23

Prior to the commencement of the development hereby approved specification details of the materials to be used in the construction of the external surfaces of the development 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 interest of visual amenity.

Condition 24

No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason:

To ensure the development is drained in a sustainable and acceptable manner.

Notes / Informatives

Note 1

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.

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

The applicant/developer is advised that this consent is subject to the applicant entering into a legal agreement with the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The agreement shall cover the requirement for the applicant/developer to provide a contribution towards the improvement of open space/play and education facilities and the provision of a proportion of affordable housing within the development.

Note 4

The Sustainable Drainage Approval Body (SAB) has identified that this project application requires a full SuDS Application because the proposed development has a construction area greater than 100m². Therefore, the development, as required under Schedule 3 of the Flood and Water Management Act 2010, must implement SuDS infrastructure in accordance with Statutory SuDS Standards. As such, a full SuDS application for this development must be submitted for assessment and approved by the Sustainable Drainage Approval Body (SAB) at Carmarthenshire County Council. Further information can be found at www.carmarthenshire.gov.wales/sab.

Please be advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB. The Sustainable Drainage Scheme must be nature based and features should contribute to ecology, landscape and deliver Net Benefit for Biodiversity.

Application No	PL/07200
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Application Type	Full planning permission
Proposal	Installation of additional drainage apparatus to facilitate the disposal of surface water from an adjacent residential development
Location	Land part of Wern Fraith Farm (adjacent to garage), Porthyrhyd, Carmarthen, SA32 8PJ

Applicant(s)	Jones Bros. (Henllan) Limited & Pobl Group
Agent	Evans Banks Planning Limited - Richard Banks
Officer	Paul Roberts
Ward	Llanddarog
Date of validation	01/02/2024

Reason for Committee

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

Site

The application site consists of a narrow linear shaped parcel of land located in the northern periphery of a large field enclosure that is located immediately to the south-west of the centre of the village of Porthyrhyd and to the west of the B4310. The wider field enclosure consists of improved grassland and forms part of the agricultural holding of Wern-fraith Farm. The site covers an area of approximately 0.1 hectare and extends to approximately 140 metres in length. It runs contiguous with the southern side of an existing hedgerow and small stream that define the northern boundary of the field with the later flowing in a westerly direction towards the neighbouring field enclosures to the west.

The site is set a lower level than the remainder of the field enclosure to the south and its ground level falls gently in a westerly direction along the route of the adjoining stream. The car park of a nearby public house is located immediately to the north of the site beyond the stream and hedgerow, together with a car garage, shop and a number of nearby residential properties.

Proposal

The application seeks full planning permission for the installation of an underground surface water drainage pipe along the length of the site to facilitate the disposal of surface water from a development of 42 dwellings on the southern half of the field enclosure proposed under planning application PL/06338. This southern part of the field is allocated for residential development in the Council's adopted LDP under Policy H1 of the Plan. Members will have noted that this separate application is also included in the agenda for consideration by the Planning Committee whereby both applications are to be determined concurrently given the interdependence of both developments.

By way of background to the application, the surface water drainage scheme proposed to serve the housing development includes three surface water catchment basins within the development layout that will receive the surface water from the development prior it being piped in a northerly direction at an attenuated rate to an outfall to the existing watercourse located to the north of the application site. The original drainage strategy submitted with planning application PL/06638 for the housing development proposed an outfall to the stream in the north-eastern corner of the field enclosure close to the rear of the neighbouring car garage and residential property. However, this has subsequently been amended as part of the application process upon the advice of the Council's SAB officer whereby it has now been relocated to a position 140 metres to the west of its original position thereby significantly increasing the separating distance between the outfall and neighbouring properties. This amendment requires the installation of an extended surface water pipe to the new point of discharge to the stream and given that the area of land wherein it will be installed falls outside the red line site of planning application PL/06638 for the housing development, the applicant has submitted this separate planning application for its installation.

Planning Site History

There is no relevant planning history.

Planning Policy

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

SP14 - Protection and Enhancement of the Natural Environment

SP17 - Infrastructure

GP1 - Sustainability and High Quality Design

GP2 - Development Limits

GP4 - Infrastructure and New Development

H1 - Housing Allocations

EQ4 - Biodiversity

EP2 - Pollution

EP3 - Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Sustainable Drainage Approval Body (SAB) – No objection. Have confirmed that the surface water drainage scheme proposed to serve the housing development will require separate SAB approval.

Local Members - County Councillor Ann Davies has not commented on the application to date.

Llanddarog Community Council – Have objected to the application and raised concerns that the stream into which the surface water will discharge already overflows and floods the rear of the car park of the adjacent public house. They suggest that the point of discharge should be relocated further down the field below the river, although no precise details of the suggested location are provided in their response.

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

Summary of Public Representations

The application was the subject of notification by way of the posting of two site notices within the vicinity of the site. In response, a large volume of objection letters have been received from local residents and interested parties, as well as a local residents group (Mudiad Amddiffyn Porth-Y-Rhyd) which raise concerns regarding the development. Members should be aware that certain of the respondents submitted representations in respect of both this application and the separate application (PL/06638) for the residential development of the neighbouring site and many of the concerns raised therefore relate to the residential development and its perceived wide-ranging impacts upon the surrounding area. Consequently, many of the issues raised are not relevant to the current application which relates solely to the proposed installation of an underground surface water drainage pipe and outfall to the watercourse to facilitate the disposal of surface water from the development. The following concerns raised by the respondents are relevant to this application while all other material concerns raised are addressed in the separate officer report relating to planning application PL/06638.

- The drainage strategy is based upon interpolated rainfall estimates and assumed conveyance of water off site and will result in the conveyance of large amounts of water into the lowest area of Porthyrhyd that is already prone to flooding and will exacerbate existing flooding problems.
- The rainfall figures used to design the scheme appear to be unreliable and misleading.
- The change to the design is merely moving the flooding problem a short distance downstream.
- Concerns regarding the maintenance and potential blockages and overflows from the drainage system.

- The surface water will drain into a Zone C2 flood risk area that is saturated and at high risk of flooding as clearly identified by Natural Resources Wales, while also having residential properties close by in the flood zone.
- Longstanding drainage problems in the area with raw sewerage seeping into properties.
- No allowances have been made for climate change which results in increased heavy rainfall.
- The development will result in the replacement of a green field with impermeable surfaces and will exacerbate existing flooding problems.
- Existing flooding problems within the site.
- Inadequate sewerage infrastructure.
- The land where the pipe is located is outside the LDP boundary.
- The need to comply with Welsh Government guidelines for SAB applications and provide filtering/screening of surface water to capture pollutants.
- Lack of surveys of drainage and soil.
- Risk of surface water run-off flowing through the neighbouring cemetery.
- Concerns that surface water will flow into the sewerage system.

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

Appraisal

The proposal forms part of a wider surface water drainage strategy that will dispose of surface water from the residential development of 42 dwellings on an allocated housing site in the Council's adopted LDP. The scheme will dispose of surface water from the development in a sustainable and controlled manner and whilst concerns have been raised regarding the potential impact of the development upon the surrounding area and properties by way of surface water flooding, the detailed design of the surface water scheme and hydraulic modelling used to inform its design will be assessed as part of a separate SAB application. The applicant will not be permitted to commence the development until the scheme has been fully considered and approved by the Council's SAB team thereby safeguarding against any unacceptable flooding impacts. The SAB application will also address matters relating to the future maintenance of the new surface water infrastructure.

The application has been submitted pursuant to the advice of the SAB team whereby they recommended that the point of discharge to the watercourse be relocated to a position that is distant of nearby properties to safeguard against the risk of flooding. They have confirmed that they have no objection to overall drainage strategy proposed to serve the housing development as contained in this planning application and that of the housing development itself under application reference PL/06638.

A number of respondents have objected to the application on the basis that the surface water infrastructure within the site will be located outside the development limits of Porthyrhyd. Policy GP2 seeks to direct new development primarily to locations within the development limits of the settlements identified in the Plan, however, it does not prohibit development outside the defined limits subject to them not being inappropriate development in the countryside. Although the surface water infrastructure proposed within the site will be located beyond the defined limits of the settlement, nonetheless, as mentioned above, it is required to facilitate the development of an allocated housing site to enable it to be drained in a sustainable and controlled manner. Furthermore, it will consist of an underground pipe and associated outfall into the watercourse that will be indiscernible in the wider field enclosure and not detract from its appearance or that of the surrounding area in any way.

As to concerns raised regarding the potential for surface water to enter the sewerage system, the surface water system proposed to serve the development will be wholly separate from the public sewerage system and will discharge into an existing water course. Concerns have been raised regarding the adequacy of the sewerage system and existing flooding problems associated with the same, however, these are not relevant to this application which relates solely to the provision of surface water infrastructure within the site.

Finally, the Council's Planning Ecologist has raised no objection to the proposal from an ecological perspective. Suitable conditions will be imposed on any permission granted securing a Construction Environmental Management Plan to safeguard against any unacceptable pollution impacts during the installation of the surface water infrastructure, and a landscaping scheme that will deliver a net benefit for biodiversity in line with the objectives of Planning Policy Wales and the Environment Act 2016.

The proposal is therefore in accord with the objectives of policies GP1, GP2, SP2, SP14, EQ4, EP2 and EP3 of the LDP in that it will form part of wider drainage strategy that will dispose of surface water from the residential development of an allocated housing site in a sustainable and controlled manner that will not result in any adverse flooding, pollution or ecological impacts. Further it, will cause no unacceptable harm the character and amenity of the surrounding area.

Planning Obligations

None.

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 examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's LDP as well as those of National Planning Policy.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that, in determining a planning application, the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory consultees have all confirmed their acceptance of the development in raising no sustained flooding, ecology, utility provision or amenity objections to the application, and there are no material considerations that would justify a determination other than in accordance with the adopted Plan.

For these reasons, the application is put forward with a favourable recommendation subject to the imposition of the following conditions.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The works hereby granted consent 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 works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans and information:-

- Location plan (2542-02(03) 103 Rev D)
- SuDS Strategy Outfall Plan (2542-510)

received on 1 February 2024

Reason:

In the interest of clarity as to the extent of the permission.

Condition 3

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, dust control, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel washing facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason:

To prevent the pollution of the environment and safeguard the living conditions of adjacent occupiers.

Condition 4

No development or site clearance shall take place until a Landscape and Ecological Design Scheme (LEDS) has been submitted and approved in writing by the local planning authority. The scheme shall clearly define the location and extents of the following: -

- All existing landscape and ecological elements and areas which are to be retained and details of the protective measures of these features, those to be removed and the donor locations of those to be translocated.
- All new landscape and ecological elements and areas which are to be planted, seeded, installed, and constructed, and the receptor locations of those to be translocated.

The scheme shall provide sufficient specification information to fully describe the proposals for all the relevant landscape and ecological elements of the proposal and demonstrate the application of the step-wise approach, a net benefit for biodiversity and the effective delivery of the design objectives, together with a programme of implementation.

The scheme shall be implemented in accordance with the approved details. Any existing elements retained or translocated, or new elements installed, constructed, planted or seeded in accordance with the approved scheme which, within a period of 5 years after implementation are removed, die, become diseased, damaged or otherwise defective to such extent that, in the opinion of the Local Planning Authority, the function of the element in relation to this planning approval is no longer delivered, shall be replaced, within six months of written notification by the Local Planning Authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification.

Reason:

To ensure that the development enhances the character and appearance of the site and embraces opportunities to enhance biodiversity and ecological connectivity.

Notes / Informatives

Note 1

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.

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

The Sustainable Drainage Approval Body (SAB) has identified that this project application requires a full SuDS Application because the proposed development has a construction area greater than 100m². Therefore, the development, as required under Schedule 3 of the Flood and Water Management Act 2010, must implement SuDS infrastructure in accordance with Statutory SuDS Standards. As such, a full SuDS application for this development must be submitted for assessment and approved by the Sustainable Drainage Approval Body (SAB) at Carmarthenshire County Council. Further information can be found at www.carmarthenshire.gov.wales/sab.

Please be advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB. The Sustainable Drainage Scheme must be nature based and features should contribute to ecology, landscape and deliver Net Benefit for Biodiversity.

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/06972
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Application Type	Full planning permission
Proposal	Proposed erection of a single dwelling
Location	Land adjacent to Addewid-Haf, Capel Iwan, Newcastle Emlyn, SA38 9NH

Applicant(s)	Harry and Cara Evans and Currado
Agent	Castle Architectural Designs Ltd - Matt Edwards
Officer	Charlotte Ford
Ward	Cenarth and Llangeler
Date of validation	19/02/2024

Reason for Committee

This application is being reported to the Planning Committee at the request of the Local Member Cllr Hazel Evans.

Site

The application site falls outside of the identified development limits, with Capel Iwan being approximately 3km north west of the site. The proposed site is to be accessed directly off the unclassified road U5458. The site at present is comprised of grassland bounded by trees and hedgerows.

Proposal

The applicant seeks full planning permission for a new detached dwelling outside of development limits. In terms of scale and massing, the proposed development includes a two-storey dwelling featuring three bedrooms, and a double garage and has a floorspace of approximately 282sqm.

Planning Site History

W/38069 - Proposed erection of a single affordable/local needs dwelling - Withdrawn - 18/12/2019

Planning Policy

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

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

AH3 - Affordable Housing – Minor Settlement in the Open Countryside

TR2 - Location of Development – Transport Considerations

TR3 - Highways in Developments – Design Considerations

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 [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government, specifically Technical Advice Note 6 (TAN 6) – Planning for Sustainable Rural Communities.

Summary of Consultation Responses

Local Member - Councillor H. Evans - Requests that the application is referred to the Planning Committee for determination for the following reason:-
for discussion with the Planning Committee on a Local Needs basis.

Community Council - No comments received.

Head of Transportation & Highways - No objections subject to conditions.

Planning Ecology - Holding objection regarding phosphates and further information required in relation to hedgerows.

Natural Resources Wales - Holding objection regarding phosphates and further information required.

SAB (Sustainable Drainage Approval Body) - Full SuDS application required (advisory note required).

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

Summary of Public Representations

The application was the subject of notification by way of a site notice. No public representations have been received at the time of writing this report.

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

Appraisal

Principle of the development

Whilst there is a general presumption against the erection of new dwellings outside of defined settlements within the open countryside, the Local Development Plan, having regard to guidance set out in PPW recognises that there are opportunities and that sensitive infilling or small gaps and/or minor extension to such groups could be considered acceptable provided that they provide for affordable housing to meet genuine identified local need. Notably the proposal description refers to the 'Erection of a single dwelling' there is no mention of local need within this, however, upon review of the supplementary planning statement it addresses the applicants personal circumstances. In light of this, coupled with Councillor Evans' call in request to discuss the local need basis of the application, the Local Planning Authority have taken the opinion to review and assessed the planning application against the Local Development Plan policy AH3.

Policy AH3 provides the criterion against which such applications must be considered and specifies:

Proposals in the open countryside for affordable housing for a single dwelling will be permitted within settlements, hamlets and groups of dwellings without Development Limits where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:

- a) It represents sensitive infill development of a small gap within an otherwise continuous built up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development;
- b) It is of a scale and size appropriate to, and in keeping with (and not detrimental to) the character (including landscape and townscape) of the area;
- c) The benefits of the initial affordability will be retained for all subsequent occupants;
- d) It is of a size, scale and design compatible with an affordable dwelling and is available to those on low or moderate incomes.

The definition of local need is defined in the Glossary of Terms in the LDP and reads as follows:

"Residents (and their dependents) of the community and town council area or adjoining community and town council area. Present residents whose circumstances may relate to current substandard or unsatisfactory accommodation or where they are forming a new family or leaving the parental home for the first time will be considered as will those who

make a significant contribution to the social, cultural and economic vitality of the community and town council area.

In addition, the definition will apply to those persons with a long standing link with the community and town council area including a period of established residence within the last twenty years. Those persons who have a proven functional need to live close to their place of work or to a resident through an essential need arising from age or infirmity may also be deemed eligible for consideration."

Having regard to the supporting statement which accompanied the application, it is concluded that the applicant would meet the definition of local need. It is considered on balance that the applicant has provided sufficient information to demonstrate that they meet the definition, in that they have a long standing link to the local area. The applicants who are both 21 years old have ties to the Newcastle Emlyn area and village of Tanglwst. Mr Evans currently lives in Ceredigion and Miss Currado has lived in the village of Tanglwst since birth. Both applicants attended Bro Teifi secondary school with Mr Evans now working in the Carmarthenshire area and Miss Currado in Pembrokeshire. The supporting statement also claims that the applicants are looking to create a home for life near the family farm (Meribah) where they both assist on when times are busy.

In terms of criteria (a) of LDP Policy AH3, the proposed development should represent a *"sensitive infill development of a small gap within an otherwise continuous built-up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development"*. Having further regard to the site's location, Paragraph 3.56 of PPW Edition 11 states that *"development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation."* The sites' location is not within identified development limits, although it is notably located adjacent (to the east) of the built form of Tanglwst which is a hamlet of dwellings approximately 3 kilometres away from Capel Iwan (closest identified development limits). As such it is considered the proposal complies with criteria (a) of Policy AH3 in that the siting of the proposed development represents a minor extension which does not result in ribbon development or perpetuate existing ribbon development.

In terms of the remaining criteria of Policy AH3, namely (b) (c) and (d), as stated above the application is for a property intended to meet a local need for affordable housing. In this instance, regard is given to the Welsh Government document 'Welsh Development Quality Requirements 2021 – Creating Beautiful Homes and Places'. This sets out the National minimum functional quality standards for new and rehabilitated general needs affordable homes. According to this document the largest affordable dwelling specified is 114sqm, which is suitable for 7 persons/4 bedrooms. The proposed dwelling included in this planning application significantly exceeds this standard being approximately 282sqm. This is substantially more than the floorspace standards set by Welsh Government and a proposal of this scale would not be supported by the Local Planning Authority.

Criterion (b) and (d) of Policy AH3 makes reference to the design, in that the proposal should be compatible with an affordable dwelling and in keeping with (and not detrimental to) the character (including landscape and townscape) of the area. The hamlet of dwellings within Tanglwst are predominantly traditional in appearance comprised of bungalows and modest scale dwellings utilising traditional fenestration detailing. The proposed dwelling has a hipped roof design including dormers and a large proportion of glazing to the principal elevation. The Local Planning Authority are not opposed to the introduction of modern

elements in the design of new dwellings, however we request that these are sympathetically done and incorporated into the dwelling in a way that enhances the appearance of the dwelling that simultaneously reflects the character of the dwellings within the wider area and surrounding landscape. In light of this, The Local Planning Authority are of the opinion that the scale of the dwelling coupled with the design is not compatible with an affordable dwelling this is in keeping with the character of the area.

No supporting information regarding the estimated build budget, land value or professional fee have been submitted as part of this application. Moreover, the supporting statement contains no information regarding the applicants budget or searches for suitable properties within the immediate area. A web search undertaken on the 09.04.2024 utilising the 'Rightmove' website showed that within a 5 mile radius of the subject site there were 30 3 bedroom dwellings available to purchase that ranged between £120,000 and £550,000. Whilst the initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to control the future sale of the property and ensuring the property would remain affordable in the longer term, this has not been pursued given the policy objection to the development in relation to its siting as referred to above.

It is considered the proposal is contrary to criteria, namely (b), (c) of policy AH3 in that the scale of the proposed dwelling is substantially more than the floorspace standards set by Welsh Government and not compatible with an affordable dwelling and available to low or moderate income groups. In light of the above, the proposal would constitute inappropriate rural development and at odds with the principles of sustainable development, contrary to Policies GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014).

Material Planning Considerations:

Ecology

Phosphorous Sensitive Area (wastewater treatment)

The application site falls within the River Teifi sensitive river Special Areas of Conservation. As part of the application the applicant must follow sections 5 and 10 of NRW's 'Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation'. Although the applicant provided the document titled 'Phosphates Data for Plot in Tanglwst', to evidence the above the applicant must provide a report (from a competent drainage engineer) with scale plans showing locations of watercourses, any existing drainage fields, proposed drainage field, percolation test holes and trial pit (all in the correct location); photos (including of percolation test holes and trial pit showing the entire area and depth); and calculations to show the points in the bullet points above are being met. The assessment of ground conditions must follow British Standard BS6297:2007 (+A1:2008) and the Building regulations guidance: part H (drainage and waste disposal). It must be clear the methodologies within these documents have been followed. In light of the above, it is considered. In light of the above, as a result of insufficient information it is considered the proposal is contrary to Policy SP14 (Protection and Enhancement of the Natural Environment) of the Carmarthenshire Local Development Plan in that it fails to demonstrate that the phosphates within the wastewater associated with the proposed development would not have any adverse impact upon the water quality of the River Teifi.

Hedgerows

Hedgerows and tree lines are important landscape and wildlife features and Section 7 habitats under the Environment Act 2016. At present insufficient information has been submitted in the form of an assessment on the impacts of the proposed development and access arrangements on the associated hedgerow and vegetation. The application must describe any impacts to hedgerows and trees as a result of the proposals including lengths of habitat to be affected. The visibility splays and access details must be identified on a suitable plan and any impacts to hedgerows or trees indicated. In light of the above, as a result of insufficient information it is considered the proposal is contrary to Policy SP14 (Protection and Enhancement of the Natural Environment) of the Carmarthenshire Local Development Plan.

Biodiversity Enhancement/Green Infrastructure Statement

The Environment (Wales) Act 2016, PPW (Edition 12) and Future Wales, The National Plan 2040 (Policy 9) requires the LPA to seek to enhance biodiversity through the planning process, the need for identification of biodiversity enhancements has been clarified in the letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019 which states that "*where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission*". This was reiterated in the Chief Planning Officer letter, December 2022, that highlighted the essential role that the planning system must play in meeting the challenges laid down by COP15, the biodiversity Deep Dive recommendations and in fulfilling the Section 6 duty in Wales.

PPW12 also states: "*A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multifunctional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied*". (section 6.2.12)

The proposal includes the planting native hedgerow to create a new northern and eastern boundary as shown on the document titled 'Typical Section, Roof, Site Location Map and Site / Block & Landscaping Plan [1902-03]'. Moreover, the proposal includes a proposed bat box, nest box and nest cup shown on the document titled 'Floor and Elevations Plan [1902-02B]'. However, comments from the ecology department advise that integral bat and bird boxes should be utilised to ensure longevity of the biodiversity enhancements. Notwithstanding the information contained on the plans insufficient information has been provided to fully establish the full impacts of the proposal on green infrastructure and therefore it is not possible to determine whether the proposal adequately integrates green infrastructure into the development and secures net benefit for biodiversity. As such, the proposal is contrary to Policy SP14 (Protection and Enhancement of the Natural Environment) and Policy EQ4 (Biodiversity) of the Carmarthenshire Local Development Plan.

Planning Obligations

The initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to effectively control the future sale of the property. This has not been pursued with the applicants given the fundamental objection to the development as outlined above.

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 on balance that the proposal represents a new dwelling in the countryside which fails to comply with the requirements of a local needs dwelling by reason of its scale and design and is therefore contrary with the policy objectives of AH3 of the Local Development Plan. Moreover, insufficient information has been provided to fully establish the full impacts of the proposal on green infrastructure and therefore it is not possible to determine whether the proposal adequately integrates green infrastructure into the development and secures net benefit for biodiversity. In addition to this, insufficient information has been submitted to determine whether the proposal has an impact upon the River Teifi sensitive river Special Areas of Conservation in relation to phosphorous. As such, the proposal is contrary to Policy SP14 (Protection and Enhancement of the Natural Environment) and Policy EQ4 (Biodiversity) of the Carmarthenshire Local Development Plan. In light of this, it is recommended that planning permission be refused.

RECOMMENDATION - Refusal

Reasons

Reason 1

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The design and scale of the dwelling is not considered compatible with an affordable dwelling that would be available to low or moderate income groups. As such, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful to visual amenity, the character and appearance of the countryside and at odds with the principles of sustainable development, contrary to Policies SP1, SP14, GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014).

Reason 2

The proposal is contrary to Policy SP14 (Protection and Enhancement of the Natural Environment) of the Carmarthenshire Local Development Plan (2014) in that the application site lies within the catchment area for the River Teifi, a designated Special Area of Conservation recognised under the Conservation of Habitats and Species Regulations 2017 for the species it supports. With regard to new development within the catchment area it has to demonstrate phosphate neutrality or betterment in its design and/or its contribution to the water body. The application has provided insufficient information to allow for a Habitats Regulations Assessment to be undertaken and as such the proposal fails to demonstrate that the phosphates within the wastewater associated with the proposed development would not have any adverse impact upon the water quality of the River Teifi.

Reason 3

The proposal is contrary to Policies SP14 (Protection and Enhancement of the Natural Environment) and EQ4 (Biodiversity) of the adopted Carmarthenshire Local Development Plan (2014) and the objectives of Chapter 6 of Planning Policy Wales, Edition 12 (February 2024), as updated by the Minister for Climate Change's letter to Local Planning Authorities dated 11 October 2023, in that the applicant has failed to provide sufficient information in relation to the biodiversity value of the site, the presence of existing habitats, and any biodiversity enhancements proposed to enable an assessment of the ecological and biodiversity impacts of the development on green infrastructure. Consequently, the applicant has failed to demonstrate that the development will meet the objectives of paragraphs 6.4.5, 6.4.8, 6.4.9 and 6.4.21 of Planning Policy Wales in maintaining and enhancing biodiversity and delivering net benefits for biodiversity.