

# Document Pack



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**TUESDAY, 24 JANUARY 2023**

**TO: ALL MEMBERS OF THE PLANNING COMMITTEE**

**I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE PLANNING COMMITTEE WHICH WILL BE HELD IN THE CHAMBER - COUNTY HALL, CARMARTHEN. SA31 1JP AND REMOTELY AT 10.00 AM ON THURSDAY, 2ND FEBRUARY, 2023 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA**

*Wendy Walters*

**CHIEF EXECUTIVE**

<b>Democratic Officer:</b>	<b>Kevin Thomas</b>
<b>Telephone (direct line):</b>	<b>01267 224027</b>
<b>E-Mail:</b>	<b>Democraticservices@carmarthenshire.gov.uk</b>
<b>This is a multi-location meeting. Committee members can attend in person at the venue detailed above or remotely via the Zoom link which is provided separately.</b>	
<b>The meeting can be viewed on the Authority's website via the following link:- <a href="https://carmarthenshire.public-i.tv/core/portal/home">https://carmarthenshire.public-i.tv/core/portal/home</a></b>	

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
*County Hall, Carmarthen. SA31 1JP*

## PLANNING COMMITTEE

### **PLAID CYMRU GROUP - 11 Members**

Cllr. Tyssul Evans (Chair)  
Cllr. Mansel Charles  
Cllr. Terry Davies  
Cllr. Ken Howell  
Cllr. Carys Jones (Vice-Chair)  
Cllr. Jean Lewis  
Cllr. Denise Owen  
Cllr. Dorian Phillips  
Cllr. Russell Sparks  
Cllr. Gareth Thomas  
Cllr. Elwyn Williams

### **LABOUR GROUP - 6 Members**

Cllr. Peter Cooper  
Cllr. Michelle Donoghue  
Cllr. Nysia Evans  
Cllr. John James  
Cllr. Edward Skinner  
Cllr. Michael Thomas

### **INDEPENDENT GROUP - 1 Members**

Cllr. Sue Allen

### **UNAFFILIATED**

Cllr. John Jenkins

# **A G E N D A**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF PERSONAL INTERESTS**
- 3. DETERMINATION OF PLANNING APPLICATIONS** 5 - 122
- 4. PLANNING SERVICE PERFORMANCE - QUARTER 3** 123 - 144
- 5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 8TH DECEMBER 2022** 145 - 148

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**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Adran yr Amgylchedd**

**Report of the Head of Place  
and Sustainability  
Environment Department**

**02/02/2023**

**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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>02/02/2023</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND INFRASTRUCTURE</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NO'S</b>
<b>W/39937</b>	<b>Proposed Residential Development at Land adjacent to Maes y Berllan, Llangyndeyrn, Kidwelly, SA17 5BL</b>	<b>10 -19</b>
<b>PL/03849</b>	<b>Variation of Condition 3 on W/35339 (erection of gates) at Cartref Cynnes, Peniel, Carmarthen, SA32 7HT</b>	<b>20 - 27</b>
<b>PL/04018</b>	<b>Retrospective Planning works at: Allen &amp; Partners Veterinary Services - completed 2016 - including Proposed Site Layout improvements for access to and from highway for improved site layout &amp; parking provisions. Works also include erecting of 2No Covered Canopy Shelters to provide sheltered access/waiting space externally at Allen And Partners Veterinary Surgery, Millfield, Whitland, SA34 0QN</b>	<b>28 - 34</b>
<b>PL/04430</b>	<b>Residential Development at Land off Heol Y Parc, Hendy, Swansea, SA4 0XZ</b>	<b>35 - 52</b>
<b>PL/04643</b>	<b>Construction of a gabion retain wall at Clayton House, Gwscwm Road, Burry Port, SA16 0BT</b>	<b>53 - 59</b>
<b>PL/04823</b>	<b>Variation of condition 1 on S/38106 [extension of time] at Sites 5 &amp; 6, land adjacent to former Grillo Site, Burry Port, SA16 0LT</b>	<b>60 - 75</b>
<b>PL/04824</b>	<b>Variation Of Condition No. 1 Of S/38251 (To Allow A Further 5 Years For The Submission Of Reserved Matters) at Former Grillo Works, Harbour Road, Burry Port, SA16 0ER</b>	<b>76 - 91</b>
<b>PL/04825</b>	<b>Variation of Condition 1 on S/38105 (Extension of Time) at Site 4, Burry Port Harbour (East), Burry Port, SA16 0LT</b>	<b>92 - 105</b>

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL	PAGE NO'S
PL/04748	Demolition of Existing (partially built) stable block to be replaced by a local need dwelling (Re-submission of Planning Application PL/02285) at Land opposite Ty Liliwen, Nantycaws, Carmarthen	107 -114
PL/05060	New dwelling with garage/outbuilding at Land part of Clyttie Cochion, Llanpumsaint, Carmarthen, SA33 6JT	115 - 122



**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/39937</b>
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<b>Application Type</b>	Outline planning consent: all matters reserved
<b>Proposal</b>	PROPOSED RESIDENTIAL DEVELOPMENT
<b>Location</b>	LAND ADJACENT TO MAES Y BERLLAN, LLANGYNDEYRN, KIDWELLY, SA17 5BL

<b>Applicant(s)</b>	MRS HAMILL
<b>Agent</b>	SAURO ARCHITECTURAL DESIGN LTD - PETER SAURO
<b>Officer</b>	Hugh Towns
<b>Ward</b>	Llangyndeyrn
<b>Date of validation</b>	10/12/2019

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one letter of objection from different third parties. This accords with the Delegation arrangements in place at the time this application was submitted.

## Site

The site lies within the development limits of Llangyndeyrn as defined within the Carmarthenshire Local Development Plan and is allocated for housing. The site amounts to a rectangular area of some 0.49 hectares of semi-improved pasture which slopes away gently from the road. The site fronts onto the C2057 to the north-west, with a stone penfold in the western corner. A footway extends along the site frontage. Beyond the County Road in an elevated position, is St Cyndeyrn's Church which is Grade II\* listed. A Grade II listed Cross base and sundial sit within the Churchyard. The south eastern boundary is defined by a hedgerow with pasture land beyond. The Maes-y-berllan housing site lies to the south west. A yard/storage area, owned by the applicant, lies to the north-east.

## Proposal

The application seeks outline planning permission for residential development, the indicative site block plan shows 8 detached dwellings although all matters of access, scale, layout, appearance and landscaping are reserved for future consideration.

With regards to the scale parameters of the proposed dwellings, the width is between 5m and 16.5m; depth between 7.5m and 15m; eaves height between 2.4m and 6m and ridge height between 5m and 9.5m. The wide ranges given suggest that the applicant has not decided between single storey and two storey dwellings at this stage.

Indicative access is shown via 4 No. paired access points with 3 on site parking spaces for each plot. Surface water is stated as being dealt with via a SuDS Scheme and foul drainage is to public sewer.

## Planning Site History

The following previous applications have been received in respect of the application site:-

D4/4519 - Residential Development (6 Dwellings) - Outline Granted - 28 April 1978

## Planning Policy

In the context of the Authority's current adopted Carmarthenshire Local Development Plan (LDP), the application site is located within the development limits of Llangydeyrn. The following policies are of relevance to the proposal:-

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

Policy SP1 - Sustainable Places & Spaces

Policy SP13 - Protection and Enhancement of the Built and Historic Environment

Policy SP14 - Protection and Enhancement of the Natural Environment

Policy SP18 - The Welsh Language

Policy GP1 Sustainability and High Quality Design

Policy GP2 - Development Limits

Policy GP3 Planning Obligations

Policy H1 - Housing - Allocation SC39/h1

Policy AH1 Affordable Housing

Policy TR3 Highways in Developments - Design Considerations

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

Policy EQ4 Biodiversity

Policy EQ5 Corridors, Networks and Features of Distinctiveness

Policy EP3 Sustainable Drainage

### Carmarthenshire Supplementary Planning Guidance

Planning Obligations Supplementary Planning Guidance - December 2014

Supplementary Planning Guidance: Welsh Language - December 2014

Supplementary Planning Guidance: Placemaking and Design - September 2016

Affordable Housing Supplementary Planning Guidance - June 2018

Archaeology & Development Supplementary Planning Guidance - August 2018

Nature Conservation and Biodiversity - Draft Supplementary Planning Guidance

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – Offers no objections subject to the imposition of conditions in relation to access, parking and visibility splays

**Sustainable Drainage Approval Body** - the development will require SAB Approval

**Llangyndeyrn Community Council** – no comment

**Local Member** - County Councillor W.T. Evans is a member of the Planning Committee and has not commented

**Dwr Cymru/Welsh Water** – No objections subject to the imposition of a planning condition requiring a drainage scheme to be approved prior to commencement

**Natural Resources Wales** - No objection

**Dyfed Archaeological Trust** - Our records indicate that the proposed development site is in close proximity to St.Cyndeyrn's Parish Church (PRN 1,703), a Grade II\* Listed building (ref: 9399), of 13th-14th century date and restored in the 19th century. It is sited within an early-medieval churchyard (PRN 49,297), where a medieval – post-medieval mass grave (PRN 11,957) was found during the restoration works. We consider there to be good potential for intrusive ground works to damage or destroy archaeological deposits associated with medieval settlement. Accordingly, we recommend that an archaeological condition should be placed on planning consent be granted requiring a Written Scheme of Investigation

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.

Three representations were received, all objecting, although one did not include any material planning reasons. The matters raised are summarised as follows:

- the road and pavement path is an important link between two parts of the village and is well used by children walking to the park or catching the school bus, so pedestrian and driver safety are essential considerations
- substantial water collects on the road during periods of heavy rainfall, and the natural flow of that water is in the direction of the field proposed for development
- the green, rural view that is found to the south of the path is a notable feature of this part of the village and therefore any development should have the least possible impact on this - the height of the buildings and the distance from the road are key considerations

- the village and area remain Welsh and Welsh in character, and this should be protected and promoted, it is therefore important that the number and nature of the housing within any development is suitable for developing and maintaining a population that complements the Welsh essence.
- there should be fewer larger plots to attract families and sustain the school

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

## Appraisal

### Principle of Development

The application site is within the development limits of Llangyndeyrn and is allocated for residential development in the Carmarthenshire Local Development Plan (allocation of 12 houses with 20% affordable requirement). It has essentially been determined during the Local Plan adoption process that residential development of this site is acceptable in principle.

### Built Heritage

There are concerns about the impact of the development on the setting of the St Cyndeyrn's Church which is Grade II\* listed and the Grade II listed Cross base and sundial sit within the Churchyard. However, access, scale, layout, appearance and landscaping are reserved for future consideration. Given the sites particularly sensitive location in terms of built heritage, design, materials, detailing, scale and form of the proposed dwellings is going to be an extremely important consideration when considering the reserved matters application. It is therefore considered reasonable to require a Heritage Impact Statement to accompany any reserved matters application. This can be secured by condition.

### Highways

Objectors have expressed concern in relation to the impact on the existing pedestrian footway that runs along the site frontage. However, this will remain in place as part of the development. Although means of access is a 'reserved matter' the applicant has shown 4 No paired access points and has demonstrated to the satisfaction of the Head of Transportation and Highways that they can all achieve the required 2.4m x 43m visibility in either direction.

### Biodiversity

At the reserved matters stage any negative impact on biodiversity will need to be mitigated to ensure no nett loss of biodiversity. A scheme of landscaping and biodiversity enhancement will be required in order for the LPA to fulfil its duty under Section 6 of the Environment (Wales) Act 2016, to maintain and enhance biodiversity. A condition can be imposed to that effect

### Welsh Language

An objector has expressed concern about the impact on the Welsh Language. Policy SP18 of the Local Development Plan and the Authority's Supplementary Planning Guidance on the Welsh Language indicate that in areas where 60% or more of the population speaks Welsh there will be a requirement to phase residential development on sites of 5 or

more open market dwellings (affordable units not counted). Llangyndeyrn is not identified within the SPG as an area where 60% of the population speak Welsh and therefore a phasing requirement cannot be applied on Welsh Language grounds. The 2021 Census data indicates that the % of the population that speak Welsh within Llangyndeyrn area has reduced significantly to 49% since the SPG was adopted in 2014.

### Sustainable Drainage

Concerns have been expressed in relation to surface water drainage in particular. The applicant has indicated that a Sustainable Drainage system will be utilised and the SAB Team has confirmed that a SAB Approval will be required. DCWW has also requested a condition requiring a drainage scheme to be submitted and approved.

### Archaeology

Dyfed Archaeological Trust has identified that the site as having good potential to contain archaeological deposits associated with medieval settlement. Accordingly, they recommend that an archaeological condition should be placed on any planning consent requiring a Written Scheme of Investigation.

## **Planning Obligations**

The proposal triggers Policy AH1 of the Local Development Plan which requires all developments that result in a net increase in dwellings to contribute towards affordable housing within the area. As this proposal is for a development of potentially more than 5 units, the affordable housing provision would be required to be provided on site. The affordable housing target for this area is 20% and this would be secured by way of a Section 106 legal agreement.

## **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 development of this site which is allocated for residential development in the current LDP is acceptable in principle and it is considered that the site is capable of accommodating the 8 dwellings proposed without having unacceptable impacts upon the character and appearance of the area, living conditions of neighbouring residents, highway safety, biodiversity and drainage. However, the design of the units will be an important consideration at reserved matters stage so as to ensure that there is no significant detriment to the setting of the nearby Grade 2\* listed church.

As such, the development is considered to comply with the above mentioned policies of the Carmarthenshire Local Development Plan and as such the application is recommended for approval subject to completion of a Section 106 legal agreement to secure affordable housing provision and the below conditions.

In the event that the required legal agreement is not completed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1.**

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

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

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

#### **Condition 2.**

The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

*Reason:* The application is in outline only.

#### **Condition 3.**

Development shall not commence until detailed plans of the access, layout, scale, appearance and landscaping of the development, have been submitted to and been approved in writing by the Local Planning Authority.

*Reason:* In the interests of visual amenity, highway safety and the setting of the Listed St Cyndeyrn's Church.

#### **Condition 4.**

The land subject to this permission is as identified on the 1:1250 scale plan received 12 August 2010.

*Reason:* For the avoidance of doubt.

### **Condition 5**

The buildings/dwellings hereby approved shall be limited to the following scale parameters:

Eaves Height: 2.4m - 6m

Ridge Height: 5m - 9.5m

Width: 5m - 16.5m

Depth: 7.5m - 15m

*Reason:* For the avoidance of doubt or confusion as to the extent of the permission hereby granted and in the interests of visual amenity – Policies SP1 and GP1 of the adopted Carmarthenshire Local Development Plan

### **Condition 6**

Any reserved matters application(s) in relation to this outline approval shall be accompanied by a Heritage Impact Statement which must demonstrate that the proposed development has been designed in order to avoid significant adverse impact on the setting of the Grade 2\* Listed St Cyndeyrn's Church or the Grade 2 Listed cross base and sundial which sits within the Churchyard.

*Reason:* In the interests of the character and appearance of the area and visual amenity.

### **Condition 7**

A comprehensive Landscape and Ecological Design Scheme (LEDS) shall be submitted at the reserved matters stage where access, layout, scale, landscaping or appearance is to be determined. The LEDS scheme shall deliver detailed design proposals which effectively integrate appropriate site-specific landscape, ecological and biodiversity objectives and function and demonstrate nett biodiversity enhancement. The development shall be carried out in accordance with the approved details.

*Reason:* In the interests of biodiversity in accordance with policies SP14, EQ4 and EQ5 of the Carmarthenshire Local Development Plan 2014.

### **Condition 8**

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and 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 9**

No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.

*Reason:* To protect historic environment interests whilst enabling development

### **Condition 10**

The new vehicular accesses shall be laid out and constructed strictly in accordance with Typical Layout No. 4 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter they shall be retained, unobstructed, in this form in perpetuity.

*Reason:* In the interests of highway safety

### **Condition 11**

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

*Reason:* In the interests of highway safety

### **Condition 12**

The gradient of the vehicular accesses serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.

*Reason:* In the interests of highway safety

### **Condition 13**

Prior to any use of the accesses by vehicular traffic, a visibility splay of 2.4 metres x 43 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the accesses in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

*Reason:* In the interests of highway safety

### **Condition 14**

Prior to the commencement of development, the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of each plot. These are to be provided on each plot prior to its occupation, and thereafter shall be retained, unobstructed in perpetuity. In particular, no part of the access, parking, or turning facilities is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety

### **Condition 15**

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.

*Reason:* In the interests of highway safety

### **Condition 16**

No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.

*Reason:* In the interests of highway safety

## **Notes / Informatives**

### **Note 1**

This application is the subject of a legal agreement to secure affordable housing provision.

### **Note 2**

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

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

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

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

### **Note 3**

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

**Note 4**

It is the responsibility of the developer to contact the Street works Manager of the Local Highway Authority to apply for a Street works Licence before undertaking any works on an existing Public Highway.

**Note 5**

Developers shall take positive measures to prevent surface water ingress to this site from the adjacent highway.

**Note 6**

Without prior consent from the Sustainable Drainage Approval Body (SAB) no surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains/systems.

**Note 7**

Under the Section 1 of the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill or injure any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use or being built.

**Note 8**

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 100m<sup>2</sup>. 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](http://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.

<b>Application No</b>	<b>PL/03849</b>
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<b>Application Type</b>	Removal/variation of conditions
<b>Proposal</b>	Variation of Condition 3 on W/35339 (erection of gates)
<b>Location</b>	Cartref Cynnes, Peniel, Carmarthen, SA32 7HT

<b>Applicant(s)</b>	Wyn Thomas
<b>Agent</b>	Ceri Davies Planning Ltd - Mr Ceri Davies
<b>Officer</b>	Helen Rice
<b>Ward</b>	Abergwili
<b>Date of validation</b>	28/04/2022

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of three or more objections from third parties.

## Site

The application site is located to the west of the village of Peniel and relates to a recently built two storey dwelling situated to the rear of other residential properties which front onto an unclassified road known as Trefynys Road which links the villages of Peniel and Bronwydd. The dwelling itself is accessed from the unclassified highway by a single track driveway that also serves as access to a property named Bryn Hawddgar and its associated annexe on the western side of the road and a property known as Cwm Parc Farm and its associated outbuildings on the eastern side of the driveway wit. The access driveway is in shared ownership with a right of access to the application site itself.

## Proposal

The proposal seeks permission to vary a condition on the planning permission for the dwelling to enable the erection of gates on the shared access drive. When planning permission was originally granted a condition was imposed that stated :

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

Reason: In the interest of highway safety.

This application seeks to vary the above condition to enable the erection of gates located 32m back from the near edge of the unclassified highway edge adjacent to the side projection of Brynhawddgar's annexe building. The gates would comprise vertical composite boards on a galvanized steel fence and posts with an angled design being of a height of 1.75m near each side rising to a mid-point of 1.95m and 3.7m wide and would open inwards. The proposed plans indicate the provision of a pedestrian side access gate between the proposed gates and the corner of the annexe building's side projection.

The applicant's agent advises that the above conditions were not challenged when originally imposed as it was accepted, given the nature of the unclassified road, that vehicles were able to fully leave the unclassified highway to avoid highway safety concerns. However, concerns over security due to the unimpeded access into the property has increased in recent years with the applicant's agent advising of instances where access has been gained by foot and by vehicle to the property by unknown person(s) and the need to keep his dogs contained within the wider application site area. It is contended that by positioning the gates 32m back from the highway edge that vehicles would remain to be able to safely pull off the highway and would not impede access to other properties on the shared drive.

Members are advised that during the course of the application correspondence was received that advised that not all of the owners of the road had been duly notified of the application and served with the required notices. In addition, the submitted application site plan did not truly reflect the original application site boundary which appeared to include a larger width of entrance beyond the proposed gates in comparison to the application site boundary itself. Members are advised that both these matters have been addressed during the course of the application with the requisite notices served and the application site boundary plan duly amended.

## **Planning Site History**

W/39665 - Variation of condition 2 of W/35339 (construction of dwelling and garage) extend width of approved raised terrace area - Granted - 25/11/2019

W/38555 - Construction of garage - Full Granted 03/05/2019

W/37518 - Variation of condition 2 of W/35339 to amend height of house to enable attic space to be used as a snooker room for personal use – VOC Granted 15/11/2018

W/35339 - Construction of dwelling and garage - Full Granted 24/05/2017 Affordable Housing Contribution (no S106)

W/17138 - 1 dwelling house & garage - Reserved Matters Granted - Delegated 24/10/2007

W/11224 - Residential development 1 plot - Outline Granted - Delegated 30/01/2006

## **Planning Policy**

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

SP1 Sustainable Places and Spaces

GP1 Sustainability and High Quality Design

H2 Housing within Development Limits

TR3 Highways in Developments- Design Considerations

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – no objections on grounds that sufficient distance would be maintained for vehicles to manoeuvre off the public highway on the shared driveway.

**Abergwili Community Council** - confirmed that they have received numerous complaints in relation to the application and therefore the community council has no choice but to object to the application to protect residents' concerns and interests. It is understood that the gates would encroach onto neighbouring land and restrict access to their property which could be perceived as trespassing. The application should be determined by the Planning Committee and a site visit should take place with all parties concerned.

**Local Member(s)** - Councillor Neil Lewis has advised, following a site visit, that the proposal would heavily impact upon the immediate neighbours in terms of loss/inhibition of access and the impact of vehicles obstructing views from the adjoining property for significant periods whilst gates are closed. The neighbours need to work together to find an acceptable solution and one compromise would be to position the gates further back closer to the applicant's property.

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

## Summary of Public Representations

The application was initially the subject of notification by way of neighbouring letters and following amendments to the application the subject of a further re-consultation exercise with neighbours.

In total, representations were received from 4 different households, objecting to the development on the following grounds:

### Initial consultation

- The erection of gates would be in breach of all previous planning permissions granted on the site as they have all stipulated that the accessway should be uninterrupted.
- A free accessway is necessary for emergency services and visitors to avoid waiting on the driveway for the gates to open.
- Any parking in front of the gateway would be in breach of a covenant on the land and would impede access to the owners of Coombe Park.
- Owners of adjacent properties have rights granted to access buildings for maintenance and service and therefore must have uninterrupted access, this cannot be achieved if to be operated electronically
- Unable to access rear of property in an emergency
- Delivery vehicles would frequently be unable to access the property and park in driveway impeding access

- Would result in significant loss of residential amenity from the annexe building due to the presence of windows on that elevation and vehicles parked in close proximity and the proposal to erect a fence within 1m of the window.
- Line of fence does not match the actual boundary and would impede essential maintenance of neighbouring buildings.
- Original proposal designed to have sufficient turning space within the site and thus avoiding the need for vehicles who cannot retain access to reverse down the driveway.
- Applicant has failed to serve the required notices on all owners of the driveway.

### **Re-consultation responses**

- Revised plans are exactly the same as previous and not accurately drawn
- The bedroom window to the annexe of Brynhawddgar is a fire escape window and should there be a fire any person escaping from the window would be trapped by the gates and not be able to escape to the roadway.
- If this condition is removed then there is nothing preventing any of the other owners of the lane to erect gates on the driveway.
- The materials would not blend into the surrounding area and buildings.
- Vehicles would be idling immediately adjacent to bathroom, bedroom and hallway windows of neighbouring annexe building resulting in loss of privacy and noise disturbance.
- No turning facilities for vehicles unable to gain access is provided so vehicles would have to reverse back onto the highway or would be tempted to use other access
- Impinge upon legal right of access to property to enable essential maintenance
- Side gate is unacceptable and insufficient for neighbours needs to carry out repairs and maintenance and would block emergency vehicles.
- Drain and sewer pipes would be located behind gates and thus gates would vent emergency repairs as evidenced earlier in the year
- No reason to improve security as property is open to the countryside
- The changes proposed do not overcome previous objections.

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

## **Appraisal**

The main considerations of this case is the impact upon the living conditions of neighbouring residents, highway safety and impact upon the character and appearance of the area.

### Highway Safety

All previous applications on the site have consistently imposed a condition requiring that the access lane leading to the dwelling remains unimpeded for highway safety reasons. The application now put forward seeks to vary that condition to enable the insertion of a gate 32m from the nearside edge of the highway.

The Council's Highway Officer has reviewed the application and has commented that in general for a single residential dwelling, conditions are imposed to ensure that any gates are set back at least 5m from the carriageway edge and open inwards to ensure that a standard vehicle can leave the highway and park temporarily to enable opening of the gates. Where there is a shared drive with a shared turning/parking area, a condition is imposed requiring that the access remains unimpeded.

In this case, the situation is irregular in that each of the properties served by the shared drive have their own parking/turning area including the application site property and therefore the installation of a gate at the proposed location would not affect the turning area associated with other properties. It is however recognised that in situations where vehicular access is required and the gates are closed that vehicles would have to reverse down the access road and back onto the highway. In this regard, the access at the highway is some 8m wide for a distance of approximately 7m back from the edge of the county road carriageway and therefore there is potential for vehicles to turn within that area at the highway interface to allow entry into the public highway in a forward gear.

It is therefore considered, on balance, that the proposal would not have an unacceptable impact upon highway safety and would therefore comply with policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

#### Impact upon living conditions

The proposed location of the gates would be adjacent to the annexe property associated with Brynhawddgar. Whilst it is not considered that the physical presence of the gates by reason of their siting, scale and design would not directly impact upon the living conditions of users of the annexe building, the indirect impacts caused by vehicles idling by the gates when they are closed as raised by neighbouring residents are acknowledged. There will evidently be times when vehicles would be parked/idling in front of the gates to await opening and that these vehicles would be within the lane adjacent to the annexe at Brynhawddgar. However, it is considered, that such vehicles would only be parked/idling for a short period of time whilst the gates are opening and that the frequency of such movements would be limited given the domestic use of the property. It is therefore considered, on balance, that the presence of vehicles adjacent to Brynhawddgar for short periods of time would not amount to a level of disturbance to the living conditions of those utilising the annexe that would be unacceptable to warrant a refusal of the application.

A number of concerns have been raised by neighbouring residents regarding their stated rights of access to enable maintenance of their respective properties and general access. It is stated that the imposition of the gates would block this right of way and be in breach of covenants on the land. Issues regarding land ownership, rights of way and legal covenants on land are not material planning considerations and are rather civil issues that are subject of separate legislation. Nevertheless, the agent advises that the applicant is aware of this legal requirement to ensure access for maintenance of neighbouring properties is maintained. The proposal includes the installation of a pedestrian side gate.

Therefore on balance, it is not considered that that the proposal would have an unacceptable impact upon the living conditions of neighbours and therefore complies with Policy GP1 of the Local Development Plan 2014.

#### Impact upon character and appearance of the area

The proposed gates would introduce a solid gated feature within the current open access road. However, it is not considered that the installation of such a feature set back from the highway would have a detrimental impact upon the character and appearance of the area to warrant a refusal on such grounds and is therefore considered to comply with Policy GP1 of the LDP.



## Other Matters

The planning matters raised by local residents have been considered above. The remaining issues relate to matters of land ownership and rights of way which, as referenced above, are civil matters rather than material planning considerations.

## **Planning Obligations**

The original permission would have triggered an affordable housing contribution. It is confirmed that the full contribution has been received and therefore there is no requirement for a further legal agreement.

## **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 proposed variation of the original permission to enable the construction of vehicular gates, along with a pedestrian access gate and fencing would not, having regard to the particular circumstances of the case have a detrimental impact upon highway safety, the living conditions of neighbouring residents or the character and appearance of the area. The application is therefore considered to comply with policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014 and as such is recommended for approval subject to the below conditions. Members are advised that as this is a variation of the original permission, that the conditions originally imposed and as partially varied by subsequent applications as referred to above are restated albeit duly amended to reflect the proposals put forward.

## **RECOMMENDATION - Approval**

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## **Conditions & Reasons**

### **Condition 1**

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 12th July 2018.

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

## **Condition 2**

The development shall be carried out in accordance with the following approved plans and documents:-

- Location Plan – 1:1250 scale received on 19 October 2022
- Block Plan – 1:500 scale received on 24 October 2022
- Proposed Elevation of Gates received 4 April 2022
- Block Plan (C/4574/7) received 18 September 2019
- Section X-X and Section Y – Y (C/4574/8) received 18 September 2019
- Elevations (as built) – 1:100 scale received on 10th August 2018;
- Section (as built) – 1:50 scale received on 10th August 2018;
- Second Floor Plan – 1:50 scale received on 14th December 2018;
- First Floor (C/4574/2A) - 1:50 scale received on 23rd February 2017;
- Ground Floor (C/4574/1A) - 1:50 scale received on 23rd February 2017;
- Floor Plan (C/4574/5) - 1:100 and 1:50 scale received on 23rd February 2017;
- Arboricultural Method Statement received on 23rd February 2017;
- Surfacing Material Details received on 3rd May 2017.

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

## **Condition 3**

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole U2097 Road frontage as delineated on the Location Plan received on 19 October 2022 within 2.4 metres of the near edge of the carriageway.

*Reason:* In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

## **Condition 4**

The access, visibility splays and turning area shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

## **Condition 5**

The parking spaces and layout shown on the plans herewith 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 in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

## **Condition 6**

The shared private drive shall be hard surfaced for a minimum distance of 10.0 metres behind the highway boundary in tarmac. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.

*Reason:* In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

## **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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/04018</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Retrospective Planning works at: Allen & Partners Veterinary Services - completed 2016 - including Proposed Site Layout improvements for access to and from highway for improved site layout & parking provisions. Works also include erecting of 2No Covered Canopy Shelters to provide sheltered access/waiting space externally
<b>Location</b>	Allen And Partners Veterinary Surgery, Millfield, Whitland, SA34 0QN

<b>Applicant(s)</b>	Allen & Partners Veterinary Surgery - Mr Simon Allen
<b>Agent</b>	GP Architecture Studio - Geraint Phillips
<b>Officer</b>	Hugh Towns
<b>Ward</b>	Whitland
<b>Date of validation</b>	12/05/2022

## Reason for Committee

The application is being reported to Planning Committee as the applicant is an immediate relative of a serving Councillor who is a Member of the Planning Committee.

## Site

The site is located inside the development limits of Trevaughan. Access to the site is gained immediately from the B4328 which forms the eastern boundary of the site. Residential properties at Millfield and Trevaughan Lodge Road lie to the north and east respectively and the Riverlea Tractors site lies to the south. The existing building on the site is centrally located and is of single storey construction with dormer roof windows to create a first floor. The eastern and southern boundaries contain substantial trees and there are hardstanding areas around the south, west and north of the building which provide for on-site parking space. The western and southern areas are within the 'approved' site and can accommodate 11 vehicles, none of which comply with Disabled Parking Access Requirements. A further 10 parking bays lie on land to the north of the building. The vast majority of the site is located within flood Zone B as defined within the DAMS but the area along the southern boundary is within flood Zone C2. The practice currently employs 10 full-time and 12 part-time staff.

## Proposal

Following an enforcement investigation it was established that the site had been extended into a triangular area to the north of the approved site. The area has largely been laid to hardstanding and utilised for parking since 2016. This application is part retrospective as it seeks to retain that area for parking as part of the surgery site. In addition, the application seeks to widen the existing access onto the B4328 to increase visibility splays on exit, to reconfigure the parking arrangement to the south and west which add a further 4 parking bays (one disabled), to extend the existing pavement along the site frontage in order to improve pedestrian safety and provide two asymmetric canopy shelters outside the entrance to the building. The asymmetric shelters measure 5m x 4.85m x 2.5m.

The improvement to visibility splays and the extension of the existing pavement will require the translocation of 23m of existing hedgerow approx 3m into the site in accordance with a Hedgerow, Translocation, Creation and Aftercare Method Statement submitted with the application. A further 24m of hedgerow within the site is to be translocated and an additional 5m created in order to connect the translocated hedges.

## Planning Site History

W/00180 - Advertisement Sign - Advertisement Consent Granted - 15/08/1996

D4/24545 - Construction of Veterinary Surgery on Ground Floor and First Floor Accommodation within part of roof accommodation - Full Granted - 28/04/1994

D4/20822 - Siting of 5 Residential/First Time Buyer Dwellings - Outline Granted - 17/04/1991

D4/3949 - Residential Development - Refused - 09/01/1978

## Planning Policy

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

SP1 - Sustainable Places and Spaces

GP1 - Sustainability and High Quality Design

GP2 - Development Limits

EMP3 - Employment – Extensions and Intensification

TR3 - Highways in Developments- Design Considerations

EQ4 - Biodiversity

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

Head of Transportation & Highways – recommend approval subject to the imposition of conditions in the interests of highway safety.

Whitland Town Council - No observations received to date.

Local Member - Councillor Sue Allen has declared an interest.

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 representations have been received as a result.

## Appraisal

The applicants stated objectives are to obtain permission for the extended parking area, to maintain employment at the site, enhance site safety and improve pedestrian links and improve disability provision.

The re-configuration of the access and the improvement in visibility splays as a result of the development is a significant highway safety improvement and also allows safer access/egress for 4x4 vehicles and associated horse boxes or trailers. The reconfiguration of parking space on the site, together with the retention of the 10 additional spaces to the north, provide for 25 parking bays in total, including one designated disabled parking bay. A pedestrian footway is also to be provided along part of the site frontage in the interests of pedestrian safety and to avoid the need for pedestrians to cross the highway at this location. The Head of Transport and Highways considers that approval should be granted for the works subject to conditions related to the implementation of the scheme. The extension of the site to provide additional parking space is not considered to be incompatible with its location or have a significant amenity impact on neighbours and no objections to the application have been received.

The proposal also involves the need to translocate existing hedgerows. The 23m hedgerow along the highway frontage needs to be translocated 3m back into the site in order to facilitate the provision of the pedestrian footway and the highway visibility splay improvements. A further 24m of hedgerow within the site is also to be translocated along the northern boundary with an additional 5m created in order to link the two translocated hedgerows. The applicant has submitted a Hedgerow Translocation, Creation & Aftercare Method Statement for the required works which is considered to be acceptable in terms of maintenance and enhancement of biodiversity. Biodiversity enhancement is also addressed by the installation of a bat box and sparrow terrace on the existing building. A condition is required in order to control the extent of external lighting in order to prevent adverse impacts on bats.

The two asymmetric shelters cover the pedestrian walkway into the site and are of a simple design which is appropriate to a site of this nature. They have a functional purpose and would not be visually discordant with the surrounding area.

The site is primarily located within Zone B as defined on the DAMs, with an area along the southern boundary within Zone C2. However, the development is on an existing site and the proposals do not seek to increase the amount of buildings on site. The only two structures are canopies which would have no impact on floodwater flows or lead to increased risk of flooding downstream.

For the reasons set out above, the proposed development is considered to comply with Policies EMP3, GP1, SP14, EQ4 and TR3 of the Carmarthenshire Local Development Plan.

# Well-being of Future Generations (Wales) Act 2015

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

## Conclusion

The proposal supports an existing veterinary surgery within Whitland by providing enhanced facilities, improved access and on-site parking facilities without detriment to biodiversity, amenity, flooding issues or highway safety. For those reasons the application is recommended for approval subject to conditions included in this report

### RECOMMENDATION - Approval

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## Conditions & Reasons

### Condition 1

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 9 May 2022

*Reason:* To comply with Section 73A of the Town and Country Planning Act (as amended)

### Condition 2

The development shall be carried out in accordance with the following approved plans and documents:

- Existing Site Plans (072-01)
- Existing Drawings (072-02)
- Supporting Planning Statement (21.04.22)
- Existing Drawings SWAT Analysis (072-03)

received on 9 May 2022

- Proposed Drawings (072-05A)

received on 27 September 2022

- Tree Survey for Bat Potential by I&G Ecological Consulting,
- received on 3 October 2022

- Hedgerow Translocation, Creation & Aftercare Method Statement (November 2022)

- Proposed Drawings (072-04B)

received 22 November 2022

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

### **Condition 3**

A visibility splay of 2.4 metres x 43.0 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway.

*Reason:* in the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014

### **Condition 4**

The access, visibility splays and turning area shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

*Reason:* in the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 5**

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

*Reason:* in the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 6**

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.

*Reason:* in the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 7**

No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.

*Reason:* in the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.



## **Condition 8**

A 1.8 metre wide footway shall be provided along the site frontage to the north of the access with the B4328 as shown on drawing 072-04A. This work shall be completed to the written approval of the Local Planning Authority within 3 months of the translocation of the roadside hedgerow.

*Reason:* in the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

## **Condition 9**

Prior to the installation of any external lighting a lighting plan, focusing particularly on minimising lighting impacts near to proposed bat roosts and maintaining flight lines and dark corridors in line with the recommendations within section 5 of the Bat Survey Report produced by I and G Ecological Consulting dated September 2022, shall be submitted to the local planning authority for written approval.

*Reason:* in the interests of maintaining biodiversity in accordance with Policy EQ5 of the Carmarthenshire Local Development Plan 2014.

## **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](http://www.carmarthenshire.gov.uk)).

**Note 3**

Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.

**Note 4**

It is the responsibility of the developer to contact the Street works Manager of the Local Highway Authority to apply for a Street works Licence before undertaking any works on an existing Public Highway.

**Note 5**

Developers shall take positive measures to prevent surface water ingress to the site from the adjacent highway.

<b>Application No</b>	<b>PL/04430</b>
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<b>Application Type</b>	Outline planning consent - some matters reserved
<b>Proposal</b>	Residential Development
<b>Location</b>	Land off Heol Y Parc, Hendy, Swansea, SA4 0XZ

<b>Applicant(s)</b>	Griffiths Waste Management Limited
<b>Agent</b>	Evans Banks Planning Limited - Richard Banks
<b>Officer</b>	Zoe Baxter
<b>Ward</b>	Hendy
<b>Date of validation</b>	29/07/2022

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Gareth Thomas and following the receipt of more than five objections from third parties.

## Site

The application site comprises a roughly rectangular shaped parcel of land located off Heol Y Capel. The site is bordered to the north by Clos y Wern residential estate, Heol Y Parc to the east, Heol Y Capel to the south with residential dwellings beyond and open fields to the west. The site is within the defined development limits and allocated within the Local Development Plan (LDP) under reference. T3/7/H2 for 5 dwellings.

The site comprises vacant grassland with established hedgerows run along its southern and eastern boundary with a number of mature trees on the western and northern boundary. A small watercourse runs parallel with the northern site boundary. A retaining wall lies along the northern boundary also between the site and residential dwellings of Clos Y Wern which are situated at a higher level. The neighbouring properties within Clos Y Wern predominantly consist of two storey detached properties and detached bungalows along Heol Y Parc.

## Proposal

The application seeks outline planning permission for residential development with details of access provided and all other matters reserved. Appearance, layout, landscaping and scale of the proposal are reserved for future consideration. Nevertheless, in line with the requirements the application is supported by an indicative Site Layout Plan which includes access arrangements and seeks to show how the site could be developed for the proposal including potential layout within the site. The site layout plan shows development of 7 residential properties at the site in linear formation fronting onto the unclassified U2301 road.

The plan shows 7 detached properties, 4 of which also have semi-detached garages with neighbouring plots. Driveway with car parking is proposed to the front/side of each property with a designated garden area to the rear.

To the north of the site a 7m ecological buffer is retained from the small watercourse with existing trees and vegetation maintained on this boundary with additional hedgerow planting at the edge of the buffer adjoining the gardens. The front boundary shows the existing hedgerow is proposed to be translocated to accommodate the road widening and new pedestrian footpath proposed on the lane.

The outline scheme allows for three housetypes, minimum and maximum parameters for each housetype have been provided and have been reduced from the original submission. The parameters are now proposed as follows:

	<b>Plots 1&amp;2</b>	<b>Plot 3</b>	<b>Plots 4-7</b>
Width	min 5.0m / max 5.5m	min 6.8m / max 8.2m	min 7.5m / max 9.5m
Depth	min 8.3m / max 9.0m	min 8.3m / max 9.0m	min 8.8m / max 11.0m
Height	min 7.2m / max 8.0m	min 7.2m / max 8.0m	min 7.2m / max 8.0m

The Planning, Design and Access Statement submitted with the application refers to the dwellings being two storey properties a mix of 3- and 4-bedroom units. No further details on the size and design of the properties are provided, scale and appearance being reserved matters for future consideration.

The application has been accompanied by a suite of plans and the following supporting documents/information:

- Planning, Design and Access Statement
- Preliminary Ecological Appraisal
- Transport Note
- Arboricultural Report and Tree Survey
- Himalayan balsam Method Statement
- Japanese Knotweed Management Strategy
- Flood Consequence Assessment Report

## Planning Site History

The following applications have been submitted at the site:

PL/02016 - Residential development - Outline Refusal - 21/2/2022

## Planning Policy

In the context of the Authority's current Development Plan the site is within the defined development limits of Hendy as contained in the adopted Local Development Plan (LDP). It is allocated for residential development under Policy H1 and falls under site reference. T3/7/H2 in the Plan. Reference is drawn to the following policies of the Plan:-

[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

GP3 Planning Obligations

GP4 Infrastructure and New Development

H1 Housing Allocations

AH1 Affordable Housing

EQ4 Biodiversity

EQ5 Corridors, Networks and Features of Distinctiveness

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 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – No objection subject to conditions and advising that the developer will be required to enter into a Section 278 Agreement of the Highways Act 1980 to carry out the works/improvements.

**Environmental Health Land Contamination** – no objection to the proposal, nevertheless given the presence of a historic commercial / industrial land use immediately to the north of the site conditions relating to further assessment is recommended.

**Sustainable Drainage Approval Body (SAB)** – advise that part of the site is located within a Surface Water and Small Watercourse- Flood Zone 3 on the new Flood Map for Planning (FMfP). Advise their concerns have now been addressed following submission of Flood

Consequences Assessment. Nevertheless, separate SAB approval is required for the proposed development prior to commencement of development.

**Tree Officer** – confirmed the information submitted is adequate and has no objection subject to a condition requiring submission of a Watching Brief prepared by an Arborist.

**Planning Ecology** – no objections subject to conditions and advice provided in relation to sensitive felling procedures.

**Forward Planning** – highlight site's allocation for residential development within the Adopted Local Development Plan and advise of relevant policies.

**Strategic Housing & Delivery** – confirm the ward of Hendy is an area of high housing need.

**Llanedi Community Council** – Strong objection and recommend refusal on basis of loss of important wildlife corridor, pollution, loss of ancient hedgerow, highway safety concerns due to position of access and recommend site visit with Natural Resources Wales.

**Local Member(s)** - Councillor Gareth Thomas is a member of the Planning Committee and has commented requesting a site visit by Planning Committee given the high number of objections received.

**Natural Resources Wales** – raised concerns with the proposal but advise that these can be overcome by including a condition relating a Construction Environmental Management Plan.

**Dwr Cymru/Welsh Water** – No objection subject to conditions requiring submission of potable water scheme prior to commencement of development.

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

## Summary of Public Representations

The application was the subject of notification by way of neighbour notification letters and site notices displayed in the vicinity of the site.

Over 75 representations were received, all objecting, and the matters raised are summarised as follows:

- Destroying greenfield site and loss of habitat
- Save green land and trees
- Existing trees have already been lost
- Proposal does not meet the requirements or aspirations of Carmarthenshire's "Nature Conservation and Biodiversity" guidance document
- Attempts have been made to clear the site illegally
- Land is unsuitable with knotweed on site
- Invasive species surveys undertaken outside of the 'optimal' survey season
- Adverse impact on water quality
- Ecological surveys were carried out after land had been cleared
- Land has been designated as open space and restrictions against development
- Existing litter problem
- Less recreational space available

- Infrastructure and services cannot cope with additional houses
- Existing traffic and congestion problems
- Unsuitable access
- Access lane is used by farmers and large agricultural vehicles
- Insufficient parking proposed
- No nearby bus route
- Unsafe pedestrian access/links – no pavement on parts of main road
- Drainage concerns
- Surface water concerns from existing watercourse
- Overlooking and loss of privacy – new houses will be overlooked by existing houses
- Impact on residents right to light and air
- Disturbance to existing residents
- Overhead power lines through the site
- Area needs more affordable homes and not executive houses
- Development is excessive and not in keeping with locality
- Proposal for 7 houses contravenes LDP allocation
- Draft Revised LDP identifies issues with deliverability of the site and proposes to remove the allocation
- If Revised LDP had not been delayed due to Covid the site would have been removed
- Development of the site would set harmful precedent for countryside development
- Not notified of planning application and notices have not been displayed

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

## Appraisal

### Principle of development

The principle of residential development at the site has previously been accepted through the site's allocation within the Adopted Local Development Plan (LDP) for 5 dwellings (reference. T3/7H2) following independent examination of the Plan by an Inspector. The current application seeks outline consent for residential development at the site.

The site is also located within the defined development limits of Hendy and is situated adjacent to existing residential development. The site is located within the Hendy Local Service Centre in the sustainable settlement framework of the LDP whereby it is located on or near to sustainable transport corridors and is identified to possess a wide range of local facilities and services which have a local community focus.

In terms of the comments that the site is not proposed to be reallocated as part of the forthcoming Revised Local Development Plan (RLDP). This plan is still in the process of being prepared and has not yet undertaken examination. As such, the current development plan for the County is the Adopted LDP and applications are to be determined in accordance with the development plan alongside material considerations.

As such, it is considered that the principle of residential development at the site has been accepted.

### Highway Impacts

One of the main concerns raised in relation to the application and proposed development relate to highway safety concerns. These are largely linked to the narrow width of the existing

road network to the south of the site and the issues associated with this. Concerns are also raised in relation to the junction of the lane with Heol Y Parc along with existing congestion and high traffic levels in the area.

The Head of Highways and Transport has reviewed the current and previous application submission in detail and requested amendments and additional information to be provided in support of the proposed development. A Transport Statement and plans have been submitted showing the inclusion of a pedestrian footpath along the entire site frontage of the lane and linking up with the existing footpath on Heol Y Parc. In addition, the existing carriageway is proposed to be widened. This will improve the existing road network and allow it to provide adequate access to serve the proposed development.

Following review of the plans and Transport Statement, the Highway Planning Liaison Officer has raised no objection to the proposal from a highway capacity or safety perspective. He is satisfied that the likely additional traffic can be safely accommodated on the local highway network and that the proposed new accesses can be adequately designed to serve the development and meet the required standards. The Officer has requested a number of conditions to be imposed on any permission granted and advised that the majority of the works/improvements required would be subject to a Section 278 Agreement of the Highways Act 1980.

#### Biodiversity Impacts

A number of objections received relate to loss of trees and wildlife on site. The application has been supported by a Preliminary Ecological Appraisal, Arboricultural Report and Tree Survey, Himalayan balsam Method Statement and Japanese Knotweed Management Strategy.

There is a 7m ecological buffer zone proposed along the northern boundary of the application site as required by LDP policy EP1. A new hedgerow is also proposed to be planted along the end of the buffer zone to promote biodiversity. The existing roadside hedgerow along the site frontage is largely proposed to be translocated within the site to provide the new frontage to the site, with the exception of access points. To compensate additional hedgerow planting is proposed along the western boundary. Bird and bat nesting/roosting boxes are also proposed to be incorporated on each of the new dwellings.

Following review of the submission details, NRW advise that their concerns can be addressed through condition. Given the proximity of the site to the River Gwili on Loughor there is potential for pollution from silt during the construction phase. As this links up with Carmarthen Bay and Estuaries Special Area of Conservation (SAC) further downstream, NRW advise that a Construction Environmental Management Plan (CEMP) is provided. This is included as a condition should planning permission be granted.

Planning Ecology have confirmed no objection to the proposal subject to conditions relating to biodiversity enhancement scheme being submitted as part of the reserved matters application, details of any external lighting and mitigation set out in aforementioned reports being carried out.

#### Flood Risk Implications and Drainage Matters

The site is located within Flood Zone 1 on the Development Advice Maps (DAM), where new residential development is typically directed to by Welsh Government Technical Advice Note



(TAN) 15. However, part of the site falls within a Surface Water and Small Watercourse-Flood Zone 3 on the new Flood Map for Planning (FMfP) prepared by Natural Resources Wales (NRW). As a result, the Authority's Sustainable Drainage Approval Body (SAB) has requested further details of how surface water drainage will be managed. Following submission of the Flood Consequences Assessment (FCA), the SAB team have advised that their concerns have been satisfied. Nevertheless, the development will require separate SAB approval prior to the commencement of development.

Dwr Cymru Welsh Water have also raised no objection subject to imposition of a condition relating to submission of a detailed potable water scheme for the site prior to commencement of development.

Objections received raise concerns regarding flooding at the site. However, on the basis of the submitted information and no objections being received from statutory consultees the LPA has no issues regarding flood risk.

#### Impact upon character and appearance of the area

The scale and appearance of the dwellings is reserved for future consideration, alongside access, layout and landscaping. The application is accompanied by a Proposed Site Layout which shows an indicative layout for the site comprising 7 dwellings and also minimum and maximum parameters for the dwellings.

The parameters proposed allow for sizeable, detached dwellings on site and have been amended and reduced from the original submission. The reduced parameters are considered suitable to ensure that dwellings along with adequate garden and amenity space and parking can be provided. Parameters for plots 1&2, shown on the indicative layout to the east of the site have smaller width to account for the narrowing of the site towards its eastern boundary. Although the indicative layout shows 7 dwellings on the site, it is considered that a final layout, taking account of the buffer zone, may be more appropriate at a lower level with only 5/6 dwellings to achieve appropriate and desirable dwellings and garden spaces. As such, a condition is proposed restricting the maximum number of dwellings permitted to 7.

Further details concerning the appearance and layout will be considered under a future reserved matters application.

#### Privacy Impacts

Concerns are also raised in relation to the difference in site levels and the potential for overlooking and loss of privacy. At present the position, design and appearance of the dwellings is not provided. This will be submitted as part of a subsequent reserved matters application. At this time, the siting of the dwellings within the site alongside positioning of windows etc will be reviewed in detail to assess any privacy implications. In addition to the reserved matters, a condition is also proposed to be imposed requiring submission of site sections and finished floor levels to ensure the development does not adversely affect the character and appearance of the area or result in a detrimental impact on residential amenity as required by Policy GP1. Furthermore, the existing boundary to the north will be retained and a 7m buffer is proposed along the boundary from the watercourse with additional hedgerow planted at the end of the buffer which will provide further screening of the site.

## Other Matters

A number of objections received make reference to the impact of the development on local infrastructure and services. The impact of the proposed development on existing village infrastructure has previously been considered through the site's initial allocation within the Local Development Plan. The outline application seeks permission for residential development, with 7 no. dwellings shown on the indicative layout. A condition is proposed to be included on any permission granted restricting the site to no more than 7 dwellings. Development of the site for an additional 7 properties is not considered to have an adverse impact on existing facilities and services. The impact on the highway network has been reviewed and assessed by the Highway Authority as covered previously. As identified below, a financial contribution will be provided in respect of the development towards improvements to affordable housing. Given the proposal is situated within the 10% affordable housing market area, a financial contribution of 0.7 is sought in line with policy position.

The concerns raised regarding the incorrect red line site area have since been addressed through submission of an amended site location plan with the correct site area identified. Full re-consultation was carried out following receipt of the revised plans.

In terms of the comments regarding noise pollution, the site is situated within development limits and is positioned between existing residential development. The creation of up to 7 no. new dwellings is not considered to result in an unacceptable level of noise.

Comments made in relation to the development having a detrimental impact on house value, this is not a material planning consideration. The Local Planning Authority is not aware of any such restriction or covenant on the land restricting residential development.

## **Planning Obligations**

The applicant has agreed to enter into a Section 106 legal agreement to provide the necessary contribution toward affordable housing as required by Policy AH1 of the Local Development Plan. This will be drafted and agreed with the Authority's legal department.

## **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, together with the representations received to date, it is concluded on balance that the proposal represents an acceptable form of residential development. The site is allocated for housing and situated within the defined development limits of the Adopted Local Development Plan. Therefore, there is no in principle objection to residential development at the site.

The application is outline with all matters reserved for future consideration. In line with the requirements the application has been supported by an indicative site layout and proposed parameters for the dwellings on site. The submitted information is considered to be compatible for the site and general character of the area in line with Policy GP1 with further details regarding access, appearance, landscaping, layout and scale to be submitted. Although access is a reserved matter, given the site's location and condition of Gypsy Lane, the Highway Authority have requested a number of conditions are attached to the outline permission to ensure acceptable access arrangements can be secured. Details concerning siting, scale and appearance will be considered alongside the impact on amenity of adjacent occupiers as part of a future reserved matters submission.

Ecological impacts have been assessed and NRW have confirmed no objection subject to conditions. Planning Ecology have also confirmed no objection subject to a number of conditions. Relevant conditions are imposed with additional information and protection schemes required to be submitted prior to commencement of any development on site. A detailed drainage scheme is required to be submitted and approved by the Authority and DCWW and SAB approval will also be required prior to commencement of development.

The development will deliver benefits to the local community in the form of a financial contribution toward affordable housing in line with Policy AH1.

In light of the foregoing, the proposed development complies with the general policies and sustainability objectives of the Local Development Plan and National Planning Policy.

Therefore, the application is put forward with a favourable recommendation subject to the below conditions and the successful completion of a Section 106 Agreement securing the community benefits outlined above.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

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

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

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

## **Condition 2**

The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

*Reason:* The application is in outline only.

## **Condition 3**

Development shall not commence until detailed plans of the layout, scale, appearance and landscaping of the development, have been submitted to and been approved in writing by the Local Planning Authority.

*Reason:* In the interests of visual amenity.

## **Condition 4**

The land subject to this permission is as identified on the Site Location Plan scale 1:1250 and Indicative Site Layout Plan (drawing no. EB-01) received 26 July 2022.

*Reason:* For the avoidance of doubt.

## **Condition 5**

The buildings hereby approved shall be limited to the following scale parameters:

Plots 1&2:

Width: 5.0m – 5.5m

Depth: 8.3m – 9.0m

Height: 7.2m – 8.0m

Plot 3

Width: 6.8m – 8.2m

Depth: 8.3m – 9.0m

Height: 7.2m – 8.0m

Plots 4-7:

Width: 7.5m – 9.5m

Depth: 8.8m – 11.0m

Height: 7.2m – 8.0m

*Reason:* For the avoidance of doubt or confusion as to the extent of the permission hereby granted and in the interests of visual amenity – Policies SP1 and GP1 of the adopted Carmarthenshire Local Development Plan.

### **Condition 6**

Any reserved matters application shall be accompanied by full cross sections, finished floor levels and means of enclosure so that the proposal can be seen in the context of the road and the surrounding dwellings.

*Reason:* In the interests of visual amenity.

### **Condition 7**

The permission now granted is an outline planning permission for up to a maximum of 7 no. dwellings on site.

*Reason:* To confirm the extent of permission and ensure suitable scheme for the site.

### **Condition 8**

#### **Plot 1**

The new vehicular access shall be laid out and constructed strictly in accordance with Typical Layout No. 1 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

#### **Plots 2-7**

The new vehicular accesses shall be laid out and constructed strictly in accordance with Typical Layout No. 4 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter they shall be retained, unobstructed, in this form in perpetuity.

*Reason:* In the interests of highway safety.

### **Condition 9**

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole U2301 Road frontage within 2.4 metres of the near edge of the carriageway.

*Reason:* In the interests of highway safety.

### **Condition 10**

Prior to any use of any of the accesses by vehicular traffic, visibility splays of 2.4 metres x 43 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of each access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

*Reason:* In the interests of highway safety.

### **Condition 11**

Prior to the commencement of development, the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of each plot, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety.

### **Condition 12**

The development herewith approved shall not be occupied until the speed limit on the U2301 along the site's entire road frontage has been reduced to 30mph.

*Reason:* In the interests of highway safety.

### **Condition 13**

Prior to commencement of any part of the development, the required carriageway widening, and footway improvement works along the U2301 road fronting the entire site shall be carried in accordance with Appendix A Highway Layout Plans of the submitted Transport Statement dated 4th October 2021 (Drawings SK01 & SK03). This work shall be completed to the written approval of the Local Planning Authority, and to the specification of the Local Highway Authority.

*Reason:* In the interests of highway safety.

### **Condition 14**

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway or be disposed of, or connected into, existing highway surface water drains.

*Reason:* In the interests of highway safety.

### **Condition 15**

No development shall take place on the application site until the applicant has:

1. Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of 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. Designed and implemented a scheme for the investigation and recording of contamination on the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) should aim to provide information to refine and update the conceptual model outlined in the Preliminary Risk Assessment. This investigation should confirm and evaluate the significance of the identified potential contaminant linkages. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The report shall be submitted to and approved by the Local Planning Authority.
3. Based on the findings of the site investigation and risk assessment, submit detailed proposals for site remediation and verification (Options Appraisal and Remediation Strategy) giving full details of the remediation measures required and how they are to be undertaken. This will demonstrate how the site will be brought to a condition suitable for the intended use by removing any unacceptable risks posed from contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The proposals shall be submitted to, and have received in writing the approval of, the Local Planning Authority prior to commencing the works.

*Reason:* To ensure previous uses are fully considered and remediated.

#### **Condition 16**

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

*Reason:* To ensure previous uses are fully considered and remediated.

#### **Condition 17**

Prior to occupation of the proposed development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority (where necessary). 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:* In the interest of land stability and public safety.

### **Condition 18**

If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority. If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.

*Reason:* To ensure previous uses are fully considered and remediated.

### **Condition 19**

Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.

The CL:AIRE Code of Practice (CoP) must be referred to if the developer intends to reuse site won materials. The CoP provides a clear, consistent and streamlined process which enables the legitimate re-use of materials on site. Please refer to the CL:AIRE website (<https://www.claire.co.uk/projects-and-initiatives/dow-cop>) for further information on the CoP. Details of any soil (or similar material) to be imported to site must be provided in writing to Environmental Protection via the Local Planning Authority prior to importation. Details should include the source of the soil, sampling frequency and a certificate of analytical results with full rationale and justification undertaken by a suitably qualified individual. 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 sampling frequencies for imported materials, dependent upon the quantities to be imported and their proposed use at a development. The document outlines the process for ensuring all required information is submitted in relation to the relevant planning condition in a series of step-by-step actions.

*Reason:* To ensure any soil imported is suitable for proposed use.

### **Condition 20**

Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

*Reason:* To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.



## **Condition 21**

The existing trees/hedgerows to the rear of the site (northern boundary) should be retained. An Arborist shall be appointed to oversee the project (to perform a Watching Brief) for the duration of the development and be responsible for:

- a) Supervision and monitoring of the approved Tree Protection Plan;
- b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing is in the correct location and is fit for purpose.
- c) Ensuring that all tree work is carried out in accordance with the approved Arboricultural Implications Assessment & Arboricultural Method Statement.
- d) Supervision and monitoring of the approved tree felling and pruning works;
- e) Supervision of the alteration or temporary removal of any Barrier Fencing;
- f) Oversee working within any Root Protection Area;
- g) Reporting to the Local Planning Authority;
- h) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer.

Details of the appointed Arborist shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development (including demolition). Thereafter, the above matters shall be carried out in accordance with the submitted details.

*Reason:* To protect important landscape features within the site and in accordance with policy GP2 and GP5 of the adopted Local Development Plan.

## **Condition 22**

No development shall commence until a phase 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.
- 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
- 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.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved.

*Reason:* To ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

### **Condition 23**

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

*Reason:* To ensure the site is served by a suitable potable water supply.

### **Condition 24**

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 25**

Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted and SAB approval has been granted for the scheme. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any dwelling on site.

*Reason:* To ensure an adequate drainage scheme is designed and implemented at the site.

### **Condition 26**

Any reserved matters application shall be accompanied by a biodiversity enhancement scheme, indicating biodiversity enhancement of this site including locations, types, specifications and numbers of any proposed biodiversity enhancement measures, as referred within Section 5.2 of the submitted Preliminary Ecological Assessment. Nevertheless, an integral bat box and/or bird nesting box shall be installed on each dwelling. The proposed measures are required to be submitted on an annotated plan and implemented thereafter as approved.

*Reason:* To ensure the development complies with the Environment (Wales) Act 2016 and PPW (Edition 11).

## **Condition 27**

Prior to the installation of any lighting a detailed lighting plan focusing particularly on minimising lighting impacts in the woodland, including avoidance of any areas of permanent lighting, minimising any light spill from footpath lighting, outdoor seating areas and light spill from windows shall be submitted to the local planning authority for written approval. Thereafter, lighting shall be retained in accordance with submitted details.

*Reason:* To ensure suitable lighting scheme is installed.

## **Condition 28**

Works and specific mitigation should be implemented in strict accordance with the following documents:

- Preliminary Ecological Assessment by I&G Consulting
- Japanese Knotweed Mitigation Report by I&G Consulting received 26.07.2022.
- Himalayan Balsam Mitigation Report by I&G Consulting received 26.07.2022.

*Reason:* In the interest of biodiversity.

## **Notes / Informatives**

### **Note 1**

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

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

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

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

### **Note 2**

This planning permission is granted subject to the covenants contained in the accompanying Section 106 Legal Agreement in connection with the community benefits provided as part of the development.

### **Note 3**

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

- Please see the relevant responses from the Coal Authority, Dwr Cymru/Welsh Water, Natural Resources Wales and the Highway Authority, and Sustainable Drainage Body and refer to the recommendations and advice contained therein.

<b>Application No</b>	<b>PL/04643</b>
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<b>Application Type</b>	Householder planning permission
<b>Proposal</b>	Construction of a gabion retain wall
<b>Location</b>	Clayton House, Gwscwm Road, Burry Port, SA16 0BT

<b>Applicant(s)</b>	Dawn Sewell
<b>Agent</b>	Nicole Jones Architects - Nicole Jones
<b>Officer</b>	Zoe Baxter
<b>Ward</b>	Pembrey
<b>Date of validation</b>	14/09/2022

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of three or more objections from third parties and Cllr Thomas requested an Inspector visit the site.

## Site

The application site comprises the existing residential bungalow and garden amenity area of Clayton House. The property is situated to the northeast of Huntington Fusion Techniques Ltd, a commercial enterprise located off Gwscwm Road, Burry Port. Vehicular access to the application site shares the access to the commercial premises and then leads to a dedicated driveway for the property. To the southeast and northeast the property is bordered by residential properties and their curtilages. To the northwest is Gwscwm Road.

The existing dwelling is a single storey rectangular shaped bungalow oriented north west. A driveway is situated to the front of the property with the remainder of the curtilage grass amenity space. The rear boundary is the subject of the current application which proposes a gabion retaining wall along the existing boundary.

## Proposal

The retrospective planning application seeks consent for the construction of a gabion retaining wall along the existing rear south eastern boundary. The gabion wall was constructed following concerns raised from neighbours and an investigation by the Authority's Building Control team. The applicant has advised that structural engineers Roger Casey Associates investigated and recommended that the previous retaining structure required removal and replacement. It was identified that structural arrangement of posts and horizontal timbers supporting the ground at the rear of the site was no longer suitable to support the retained earth. There was evidence of movement of the ground and concerns were raised that with time further movement would occur. As a result, the gabion wall was constructed in place of the previous structure. The application seeks to retain this.

The application also proposes additional new landscaping and planting along this boundary to provide screening between the application site and neighbouring properties of Gwscwm Park beyond.

## Planning Site History

The following planning history is saved on file for the site:

PL/04685 - Variation of Condition 4 on S/29965 (change glass from obscured to clear glass) – refused – 20/10/22.

S/29965 - PROPOSED RETENTION AND ALTERATION OF PARTIALLY CONSTRUCTED DETACHED BUNGALOW - Full Granted - 29/7/2014

S/29423 - RETENTION & COMPLETION OF TWO RESIDENTIAL FLATS - Withdrawn - 25/2/2014

LL/00418 - 2 NO. DETACHED DORMER BUNGALOWS – Full Granted – 30/01/2002

S/02209 - 1 NO. RESIDENTIAL UNIT (PLOT 2) AND NEW PLOT LAYOUT – Reserved Matters Granted 15/12/1999

S/01829 - 3 NO. HOUSES – Outline Granted 27/05/1999

S/00890 - CHANGE OF USE FROM BUILDERS YARD AND PLANT AND TRANSPORTATION DEPOT TO THE SALE OF CARAVANS AND OUTLINE PERMISSION FOR LIGHT INDUSTRIAL UNITS – Full Granted – 12/11/1997

## Planning Policy

In the context of the Authority's current Development Plan the site is located within the development limits of Burry Port as defined within the adopted Local Development Plan (LDP). Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

GP1 Sustainability and High Quality Design

GP2 Development Limits  
GP4 Infrastructure and New Development  
GP6 Extensions  
EQ4 Biodiversity  
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 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - No observations received to date.

**Head of Public Protection** - No observations received to date.

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

**Local Member(s)** - Councillor Hugh Shephardson raised concerns over the height of the wall and the privacy implications for neighbouring properties to the rear. Also raises concern that the wall is longer than shown on the submitted plan.

**Local Member(s)** - Councillor Michael Thomas has provided comments on behalf of Mr Darren Sewall of Meadow House, Gwscwm Park. These comments are included in the below summary of public representations. Cllr Thomas requests an Inspector visit the site and determine the application.

**Sustainable Drainage Approval Body (SAB)** – requested details of how surface water risk will be managed and confirmed no objection following review of additional information. SAB application not 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 neighbouring letters/site notice/publication in the local newspaper.

Representations were received from three households, all objecting and the matters raised are summarised as follows:

- Land was raised approximately 3 years ago without any permission to do so which has resulted in privacy concerns.
- Japanese knotweed previously identified at the site.
- Impact on drainage pipes
- Wall is only shown up to the bungalow boundary but continues beyond this.
- Previous plans show the land sloping down to the boundary.

- Wall seems to stop 2m to 3m short of the adjacent boundary which could make it unstable and liable to collapse.

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

## Appraisal

### Principle of development

The application proposes retention of a gabion retaining wall that has been constructed along the rear garden boundary of an existing residential property. The application has been accompanied by structural report and correspondence from the Authority's Building Control sector advising that a replacement retaining structure was required at the site. The previous structure in place comprising timber posts was not suitable to retain the earth. Concerns were raised over movement of the ground and eventual collapse. As such, the principle of a replacement retaining structure at the site is accepted.

The proposed gabion structure was chosen as a secure replacement and Building Control have confirmed that they are no longer involved as the danger has been removed with the replacement structure.

### Impact on character and amenity

Policy GP1 of the Local Development Plan (LDP) relates to sustainability and high-quality design and includes a number of criteria. Of most relevance to the application, is parts a) conforms with the character and appearance of the site/area and c) utilises appropriate materials. The gabion retaining wall was chosen as a replacement retaining structure following a review of the site and options by structural engineers acting on behalf of the applicant. The gabion wall was considered the most appropriate structure for the site. The gabion wall is no longer visible as it has been turfed over and new vegetation and landscaping planted on top. As such, the appearance is not considered to have an adverse impact on the character and appearance of the site or surrounding area.

Policy GP1 also requires proposals not to have a significant impact on the amenity of adjacent land uses, properties. Objections have been received on the planning application raising concerns over loss of privacy due to the change in ground levels. However, the applicant has supplied photographic information along with reports carried out by structural engineers Roger Casey Associates which show the land levels to be roughly at the same as the existing levels now falling the installation of the replacement retaining wall.

In addition, the application has been accompanied by Landscape and Planting Plan showing trees, hedges and planting which has been planted along the boundary in recent months following completion of the gabion wall installation. The Landscape Officer has reviewed the proposals and advised that the planting will mature over time to an extent that the canopy/spread will merge with adjacent plants. Furthermore, the planting will deter/prevent access from the rear amenity area of Clayton House to the edge of the retaining wall, providing a separation distance of at least 1m. The landscaping is therefore considered to provide a degree of visual and physical separation between the rear amenity space of Clayton House and rear of properties in Gwscwm Park.

As such, the replacement of the boundary structure with the gabion retaining wall is not considered to result in a significant adverse impact on amenity of adjacent occupiers beyond



the previous situation and land levels between the site and nearing properties to the rear at Gwscwm Park.

### Flood Matters

The site is located within Flood Zone 1 on the Development Advice Maps (DAM) prepared by Natural Resources Wales (NRW) but is within Surface Water and Small Watercourse-Flood Zone 3 on the forthcoming Flood Map for Planning (FMfP). As such, the Authority's Sustainable Drainage Approval Body (SAB) requested further information in relation to surface water drainage. Following additional details provided in relation to natural peculation and the soakaways installed at the property, the SAB team confirmed no objection to the application or further details/conditions required.

### Land Levels, Site Area and Structural Integrity

Objections have been raised in relation to change in levels at the site. As identified above information has been submitted by the applicant to demonstrate that the levels at the site prior to installation of the gabion wall were the same as existing, following the construction and installation. As such, the planning application is considered on this basis. The application site area is also based on the submission made by the applicant.

In terms of concerns raised regarding the stability of the wall, this has been reviewed by Building Control who have confirmed that the replacement structure removes danger associated with the boundary.

## **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 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, additional details provided and third-party comments, it is concluded on balance that the proposed development is acceptable. The scheme involves retention of a replacement retaining wall which comprises the installation of a gabion retaining wall in place of timber posts previously used to support ground at the rear of the site. From review of the application details along with comments from the Authority's Building Control team, the application proposal is considerably safer and structurally sound resulting in a significant improvement from the previous arrangement. In addition, the application includes details of new planting along the boundary to provide an element of screening between the garden of Clayton House and neighbouring properties to the rear.

Based on the latest plans, the proposal is not considered to have a significant impact on the amenity of adjacent properties or residents as stipulated by part d) of Policy GP1 beyond the previous situation. The design and appearance of the wall is no longer visible and the concerns regarding surface water drainage have been addressed with the SAB team confirming no objection.

On balance, the proposal is considered to result in an improved structure to the previous arrangement at the site and does not conflict with the above identified LDP policies to warrant refusal.

The application is therefore put forward with a favourable recommendation subject to the below conditions.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 14 September 2022.

*Reason:* To comply with Section 73A of the Town and Country Planning Act (as amended)

#### **Condition 2**

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plans and documents:-

- Site Location Plan drawing no. 22-707 1
- Photos of retaining wall  
Received 7 September 2022.
- Rear Boundary Structure report prepared by Roger Casey Associates;  
Received 10 October 2022.
- Block Plan and Section detail drawing no. 22-707 1  
Received 28 October 2022.
- Site Photos – Prior to, during and post construction;  
Received 2 December 2022.
- Planting Scheme Clayton House drawing no. 1  
Received 3 December 2022.

*Reason:* In the interests of visual amenity and to confirm the extent of the permission.

### **Condition 3**

The shrub planting to the south western boundary alignment with the rear of numbers 36, 37 and 38 Gwscwm Park shall be allowed to grow to maturity and thereafter retained and maintained at a minimum height of 1.8 metres. The associated tree planting shall be retained and likewise allowed to grow to maturity.

Any shrub planting or trees, 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 existing planting in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification.

*Reason:* In the interest of privacy and to ensure that the development enhances the character and appearance of the site.

## **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 responses received from consultees and third parties can be found on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)). They may also relate to other permissions or consents required or include further advice and guidance.

<b>Application No</b>	<b>PL/04823</b>
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<b>Application Type</b>	Removal/variation of conditions
<b>Proposal</b>	Variation of condition 1 on S/38106 [extension of time]
<b>Location</b>	Sites 5 & 6, land adjacent to former Grillo Site, Burry Port, SA16 0LT

<b>Applicant(s)</b>	Jason Jones
<b>Agent</b>	Asbri Planning - Daniel Lemon
<b>Officer</b>	Zoe Baxter
<b>Ward</b>	Burry Port
<b>Date of validation</b>	10/10/2022

## Reason for Committee

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

## Site

The application sites which are referred to as Sites 5 & 6, Burry Port harbour consist of land to the south and east of the former Grillo Zinc Oxide works.

Site 5 comprises of a broadly rectangular shaped parcel of land with an area measuring approximately 1.17 hectares. The majority of the site is currently utilised as a storage yard for chandlery uses, which is enclosed by palisade fencing, and includes a boatyard workshop along the northern boundary. A portacabin and number of storage buildings lie along the western boundary and are utilised for the purpose of the Harbour Masters offices, whilst the HM Coastguard station lies in the north-west portion of the site and comprises of a nondescript building. The southern portion of the site comprises of a gated overnight car park wherein lies a pre-fabricated steel building which serves as a lifeboat storage facility. Meanwhile, the remaining southern portion of the site comprises of a grassed area with a cluster of mature trees in the south-east corner. The northern boundary lies directly adjacent to the former Grillo Zinc Oxide works which is defined by a prominent stone wall boundary.

The southern boundary comprises of an open frontage which overlooks the Loughor estuary towards the Gower. To the west of the site is the recently constructed Royal National Lifeboat Institution (RNLI) building.

Site 6 which is contiguous with Site 5 comprises of an irregular shaped parcel of land with an area measuring approximately 2.2 hectares. The site is largely bare ground comprising of areas of coarse rubble and scrubland with dense vegetation delineating along the southern and eastern boundaries. The western boundary is defined by steel fencing with concrete posts which adjoins the former Grillo site, whilst the northern boundary abuts the B4311 and comprises of timber posts with wire fencing. To the east of the site is the former Burry Port power station site, which now forms part of the wider Millennium Coastal Park (MCP). Site 6 does not benefit from vehicular access, yet three separate vehicular access are available along the western boundary of site 5.

The harbourside area of Burry Port previously formed part of a wider regeneration strategy and masterplan, which was formally adopted as Supplementary Planning Guidance (SPG) to the previous Unitary Development Plan (UDP) by the Authority following extensive public consultation. This previous SPG however is no longer applicable to the LDP and a number of the Burry Port harbour sites were taken out of settlement limits in the LDP due to flooding planning policy concerns. Since 2002 significant public investment has been made in the area with the aim of bringing forward and facilitating this regeneration strategy. These works include a £10 million southern distributor road (SDR) and £8m investment into the harbour/marina itself.

The intertidal area and sea body to the south of the site comprises the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). Three marine Natura 2000 sites together form the European Marine Site – Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Carmarthen Bay Special Protection Area (SPA) and Burry Inlet SPA.

## Proposal

The current application seeks to vary Condition 1 of S/38106 in order to allow additional time, further 5 years for the submission of Reserved Matters. Due to the time that has passed since the original and subsequent Section 73 application for this site, the following reports were updated and submitted for consideration as part of this Section 73 application:

- Covering Letter
- Planning Statement
- Planning Application Forms
- Ecological Appraisal
- Bat Survey Report
- Reptile Survey Report
- Drainage Strategy
- Flood Consequence Assessment
- Transport Assessment Addendum

Outline planning permission with all matters reserved was granted for the demolition of the existing Harbour Master's offices, HM Coastguard station, and ancillary storage buildings and construction of up to 134 no. residential units with associated infrastructure works. The covering letter submitted with the original application stated that the aim of the proposal is to focus on attracting a broad demographic to the area so as to capitalise on a favourable

occupier profile which would enhance the economy and local community. In this instance, the proposed housing development will seek to secure an appropriate mix of housing and tenure types and designs with a strong relationship to existing housing in the area.

It is anticipated that the residential units proposed will range from 1 to 4 bedroom in size and be a mix of terraced, semi-detached and detached properties. It is expected the development will comprise of a mix of two to three storey buildings ranging in size and shape with a height between 7.5 metres and 12 metres.

The submission stated that the proposed development would draw on small coastal town characteristics and would seek to replicate the design of neighbouring residential sites, particularly that evidenced by dwellings in the Chandler's Quay development to the south west of the site, and dwellings aligning along the green of Ashburnham Road. These dwellings are characterised by a typical maritime design highlighted by their varying render facades with restricted colour palette of pastel 'seaside' tones, plain gables and windows of a typically vertical emphasis.

The original outline planning application was viewed in conjunction with the separate full planning application submitted in tandem for various "enabling infrastructure works" to facilitate the development of sites 5 and 6, as well as the adjacent Grillo Zinc Oxide site. As shown on the indicative plans submitted with the outline application, the principal vehicular access for site 5 and 6 will be via a new junction and access road off the SDR which runs along the western side of the application site.

This was one of a number of planning applications submitted around the same time for the comprehensive regeneration of the Burry Port harbour area. The other applications were as follows:-

S/30597 (Site 4) – Outline application for leisure development

S/30599 (Site 7) – Outline application for employment uses and live/work

S/30600 (Site 8) – Outline application for a new Welsh medium primary school

S/30601 – Full application for enabling works to facilitate development

S/30678 (Former Grillo site) – Outline application for residential led development with some retail and leisure uses

## **Planning Site History**

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

S/38106 - Variation of Condition 1 on S/30598 (Extension of Time) at Site 5 and 6, Land adjacent to the Former Grillo Site, Burry Port, SA16 0LT  
Variation of Condition granted - 19 December 2019

S/37895 - Installation of temporary toilet block (Portaloo) (retrospective)  
Full planning permission - 19 November 2018

S/37044 - Non-material amendment – to increase the number of car parking spaces from 14 to 28 within the original red-line curtilage of planning approval S/35075  
Non-Material Amendment granted - 19 April 2018

S/36537 - Non-material amendment to S/35075  
Non-Material Amendment granted - 13 December 2017

S/36201 - Discharge of conditions 3-5 of S/35075 (Site Investigation Report)  
Discharge of Planning Condition granted - 24 October 2017

S/35075 - The works include the erection of a new two storey lifeboat station to replace the existing station located to the north of the site, a concrete apron to the front of the building together with associated external works and drainage installations. The works also include a new flagpole, associated signage, and the demolition of the existing Harbour Master's accommodation and the RNLI boat store located to the north east of the site  
Full planning permission - 17 May 2017

S/30598 - Demolition of existing Harbour Master's Offices, HM Coastguard Station, and ancillary storage buildings and construction of up to 134 no. residential units with associated infrastructure works  
Outline planning permission - 25 November 2015 - Payment Received (no S106)

S/28351 - Variation of conditions 1 and 2 of planning permission S/23016 extension of time for a further three years as temporary station is still in use  
Variation of Planning Condition granted - 24 July 2013

S/21243 - Retention of expired temporary consent for Harbour Master's office and storage and retrospective temporary consent to retain existing boat storage yard, storage containers, workshop and public convenience for a period of 3 years  
Full planning permission - 26 May 2011

S/24504 - Retention of existing portacabin set out as a classroom and office for the purpose of teaching RYA Powerboat Theory, Marine Navigation and Short Wave Radio  
Full planning permission - 12 April 2011

S/23016 - Proposed casting of a concrete base and erection of a pre-fabricated steel building to house an additional lifeboat and launching rig. The proposed development will be temporary for up to 3 years, for the evaluation of an additional lifeboat  
Full planning permission - 24 June 2010

S/19271 - Siting of portacabin for use as RYA training centre  
Full planning permission - 21 July 2008

S/01446 - Burry Port enhancement scheme including the creation of a floating harbour, extended breakwaters, conversion of east and west docks to freshwater lakes, provision of cycleways/footpaths and associated hard and soft landscaping as part of the Millennium Coastal Park Development  
Withdrawn - 30 November 1998

S/01405 - Silt removal from Burry Port Harbour and its deposition onto approved areas within Millennium Coastal Park County  
Permission under Reg 3 - 04 September 1998



S/01403 - Improvements to create part of Millennium Coastal Park to include areas of soft and hard landscaping, cycleway and footpaths  
Permission Under Regulation 3 - 04 September 1998

S/00820 - Improvement to create part of Millennium Coastal Park to include areas of soft and hard landscaping, new footpaths, minor repairs to harbour walls, land train route, cycleways and infrastructure works  
County Permission Under Regulation 3 - 09 October 1997

## Planning Policy

The following policies within the [Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP') are of relevance:

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution- Settlement Framework  
SP6 Affordable Housing  
SP9 Transportation  
SP13 Protection and Enhancement of the Built and Historic Environment  
SP14 Protection and Enhancement of the Natural Environment  
SP17 Infrastructure  
SP18 The Welsh Language  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP3 Planning Obligations  
GP4 Infrastructure and New Development  
H2 Housing within Development Limits  
AH1 Affordable Housing  
TR2 Location of Development- Transport Considerations  
TR3 Highways in Developments- Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage  
EP5 Coastal Development  
EP6 Unstable Land  
REC2 Open Space Provision and New Developments

Carmarthenshire Supplementary Planning Guidance

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - No objection subject to conditions.

**Public Rights of Way Officer** - No observations received to date.



**Head of Public Protection** - No objection.

**Pembrey and Burry Port Town Council** - No objection and recommend approval.

**Local Member(s)** - Councillor Shelley Godfrey-Coles has not commented to date.

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

**Natural Resources Wales** – no objection to the application, offer advice in relation to flood risk and European protected species.

**Dwr Cymru/Welsh Water** – no objection, request original conditions maintained.

**Coal Authority** – confirm no objection.

**Cadw** – confirm no objection.

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/publication in the local newspaper.

No representations were received.

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

## Appraisal

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent or in terms of land or property ownership. As identified above, the application seeks to extend the time period for submission of Reserved Matters associated with the original outline planning permission.

In 2014, a number of outline applications were submitted by Carmarthenshire County Council for various developments linked with the wider regeneration of Burry Port harbour. These applications were subsequently approved towards the latter part of 2015. In 2019, Section 73 applications were submitted to extend the time period for submission of reserved matters application.

This application relates to Site 5 & 6 at Burry Port Harbour, and is an application to vary Condition 1 of S/38106 in order to allow a further 5 years for the submission of Reserved Matters.

This Section 73 application to extend the period for the submission of reserved matters has been subject to a full consultation exercise with no objections being received from either statutory consultees or third parties.

The Local Planning Authority considers that there has been no material change in circumstance since the previous outline planning permission was granted in 2015 or the

Section 73 application was determined in 2019. The previous applications were considered against the Carmarthenshire Local Development Plan which was adopted in 2014 and which remains to be the statutory local planning policy document for the County.

Whilst Planning Policy Wales Edition 11 is now relevant from a national planning policy perspective, it is considered that the proposal fully accords with the aims and aspirations of this document.

In terms of the 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.

The proposal has an acceptable package of supporting reports and where identified mitigation measures which reduce the impact of the proposed development.

The Authority's Planning Ecologist has confirmed no objection to the scheme subject to identifying that the ecological reports will remain valid for a period of 18 months to 2 years and after this time will need to be updated. Condition 33 is proposed to be added to the decision. The Highway Authority have no objection subject to conditions, including submission of an Active Travel and Public Transport Improvement Plan which should maximise opportunities for travel by non-car modes and include further details based on the submitted Transport Assessment Addendums.

**The previous Planning Committee Report is available for Members to view via the Authority's website:**

<https://democracy.carmarthenshire.gov.wales/documents/s34859/Report.pdf>

**This application to Vary Condition 1 of the previous planning permission to allow a further 5 years for the submission of reserved matters is put forward with a favourable recommendation subject to the imposition of the following conditions.**

## **Planning Obligations**

The applicant/developer should note that the following financial contributions have already been made as part of the original outline application:-

- £110,624 towards improving education facilities within the catchment area;
- £192,500 towards improving parks and open space provision within the locality;
- £137,500 towards conservation and enhancement of offsite brownfield habitat.

A condition is included to require an Affordable Housing Scheme for the site to be submitted for no less than 20% of onsite units.

# 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 application as submitted it is concluded on balance that there has been no material change in circumstances since the granting of the original outline planning permission or previous Section 73 permission which would warrant refusal of the current Section 73 application to further extend the time period for submission of reserved matters. Full re-consultation has been carried out with statutory consultees and full publicity. No objections have been received and the application is recommended for approval subject to the conditions set out below.

## RECOMMENDATION - Approval

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## Conditions & Reasons

### Condition 1

Application for approval of reserved matters must be made to the local planning authority before the expiration of twelve years from the 25th November, 2015, and the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of fourteen years from the 25th November, 2015;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

### Condition 2

Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the local planning authority.

*Reason:* In order to ensure a satisfactory layout of the site and in the interest of visual amenities.

### Condition 3

Prior to the commencement of development a reptile and amphibian clearance, mitigation and translocation scheme and toad highway mitigation scheme shall be submitted to and

approved in writing by the by the local planning authority. The schemes shall subsequently be implemented in strict accordance with the approved details within a timescale to be agreed with the Local Planning Authority.

*Reason:* In the interests of biodiversity.

#### **Condition 4**

The development shall be undertaken in strict accordance with the recommendations made in the Updated Ecological Appraisal Report produced by Eco Vigour received 21st November 2018 and the Habitat Mitigation Strategy Report produced by Asbri Planning received 30th August 2019 and the Preliminary Ecological Assessment produced by WSP received on 4 October 2022.

*Reason:* In the interests of biodiversity.

#### **Condition 5**

Prior to the commencement of development a full detailed ecological mitigation, enhancement and monitoring strategy shall be submitted to and approved in writing by the local planning authority. The schemes shall subsequently be implemented in strict accordance with the approved details within a timescale to be agreed with the Local Planning Authority.

*Reason:* In the interests of biodiversity.

#### **Condition 6**

The development shall be undertaken in strict accordance with the recommendations made in the Breeding Birds and Bat Survey Report produced by Eco Vigour received 30th August 2019 and Bat Survey Report produced by WSP received 4 October 2022.

*Reason:* In the interests of biodiversity.

#### **Condition 7**

Works shall be carried out in accordance with a method statement (MS) to be agreed with the local planning authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing and injuring bats during works, use of materials (such as timber, roofing membranes), positioning and size of entrances, size and location of roosting areas, a suitable roosting resource appropriate to the species and its use of the structure vegetation retention/management, proposals for lighting as appropriate and should be implemented as agreed.

*Reason:* In the interests of biodiversity.

#### **Condition 8**

Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- 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 site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 9**

Prior to the commencement of development a verification plan providing details of the data that will be collected in order to demonstrate that the approved remediation strategy is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved verification plan.

*Reason:* To protect the environment and human health and comply with LDP Policy

### **Condition 10**

Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 11**

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

*Reason:* To protect the environment and human health and comply with LDP Policy

### **Condition 12**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 13**

Prior to commencement of development full details of the surface water drainage system and separate foul water drainage system shall be submitted to and approved in writing by the local planning authority. The approved systems shall be completed before any building is occupied.

*Reason:* To reduce the risk of pollution to controlled waters (in particular the Carmarthen Bay and Estuaries SAC) and to prevent the increased risk of flooding, by ensuring the provision of a satisfactory means of foul and surface water disposal.

### **Condition 14**

Prior to commencement of development a scheme to install oil and petrol separators, trapped gullies and roof drainage, sealed at ground level, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

*Reason:* To protect controlled waters.

### **Condition 15**

Prior to commencement of development a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development including a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to and approved in writing by the local planning authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

*Reason:* Prevent pollution of controlled waters and the wider environment.

### **Condition 16**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

*Reason:* There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

### **Condition 17**

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

*Reason:* To prevent pollution of the water environment

### **Condition 18**

Prior to the commencement of development a Construction Management Plan should be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

*Reason:* Prevent pollution of controlled waters and the wider environment.

### **Condition 19**

Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the local planning authority.

*Reason:* To protect human health.

### **Condition 20**

Prior to the commencement of demolition/construction works a scheme for the mitigation of dust shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

*Reason:* To protect human health.

### **Condition 21**

Prior to the commencement of the development a scheme for the control of noise and vibration shall be submitted to and approved by the local planning authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

*Reason:* To preserve residential amenity and to protect human health.

## **Condition 22**

Prior to the commencement of development a scheme of lighting shall be submitted to and approved in writing by the local planning authority. The submitted details shall be designed in such a way as to avoid illumination of the adjacent coast line both during and post construction. Development shall take place in accordance with the approved details.

*Reason:* To minimise disturbance to protected species using the coast and minimise light pollution.

## **Condition 23**

Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) details of an acoustic barrier, to be erected along the northern boundary of the development site running parallel with the B4311, shall be submitted to and approved by the local planning authority and once approved this shall be installed prior to occupation of the proposed dwellings and permanently retained thereafter.

*Reason:* To protect residential living conditions.

## **Condition 24**

Prior to the commencement of development details of an acoustic barrier, to be erected along the western boundary of the development site running along the new road, shall be submitted to and approved by the local planning authority and once approved this shall be installed prior to occupation of the proposed dwellings and permanently retained thereafter.

*Reason:* To protect residential living conditions.

## **Condition 25**

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

*Reason:* To protect historic environment interests whilst enabling development.

## **Condition 26**

No development shall take place until a photographic record of the boundary wall that surrounded the Pembrey Copper Works shall be submitted to and approved in writing by the local planning authority.

*Reason:* To protect historic environment interests whilst enabling development.



### **Condition 27**

The development shall be undertaken in strict accordance with the mitigation measures outlined in the Flood Consequence Assessment undertaken by WSP received 4 October 2022, unless otherwise agreed in writing by the local planning authority.

*Reason:* To ensure that the development remains flood free.

### **Condition 28**

Prior to the beneficial occupation of any of the development hereby approved, the offsite drainage betterment scheme identified in the Glanmor Terrace/Burrows Terrace area of Burry Port as outlined in the Drainage Strategy Report undertaken by WSP received 4 October 2022, shall be undertaken in strict accordance with that report unless otherwise agreed in writing by the local planning authority.

*Reason:* To protect the integrity of the public sewerage system and prevention of pollution to the environment.

### **Condition 29**

Prior to commencement of development full details of the proposed measures to facilitate traffic management, and the proposed crossing points on the B4311 Southern Distributor Road shall be submitted for the written approval of the local planning authority and to the specification of the Local Highways Authority. Thereafter the approved scheme shall be implemented in full prior to the beneficial use of the development hereby approved.

*Reason:* In the interest of highway safety.

### **Condition 30**

Prior to the beneficial occupation of the development hereby approved a detailed Travel Plan for the site, setting out ways of reducing car usage and improvements to public transport, walking and cycling provision in the locality of the site and shall be submitted to and agreed in writing with the local planning authority. The detailed Travel Plan shall be implemented in accordance with the approved details and at a timescale to be approved in writing by the local planning authority.

*Reason:* In the interest of highway safety.

### **Condition 31**

No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- 1) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;

- 2) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- 3) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- 4) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- 5) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*Reason:* To provide an appropriate level of affordable housing in accordance with Policy AH1 of the LDP and TAN 2.

### **Condition 32**

The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate and prevent the spread of sea buckthorn has been submitted to and approved in writing by the local planning authority. Furthermore works should be implemented in accordance with the approved scheme.

*Reason:* To prevent the spread and eradicate an invasive species

### **Condition 33**

No phase of development, including site clearance, with the potential to impact on protected species shall commence until updated pre-construction protected species survey has been carried out for that respective phase of development as agreed with the LPA and NRW. If the survey confirms the presence of protected species the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the approved details.

*Reason:* To ensure future development is supported by up-to-date ecological information.

### **Condition 34**

Prior to the commencement of development an Active Travel and Public Transport Improvement Plan to support the development herewith approved shall be submitted to and approved in writing by the local planning authority. The plan shall include the details set out in the Transport Assessment Addendums submitted as part of this application. The approved works shall subsequently be implemented in full prior to the beneficial occupation of the development.

*Reason:* In the interest of highway safety.

## 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

The applicant/developer should note that the following financial contributions have already been made:-

- £110,624 towards improving education facilities within the catchment area;
- £192,500 towards improving parks and open space provision within the locality;
- £137,500 towards conservation and enhancement of offsite brownfield habitat.

### Note 3

Comments and responses received from consultees and third parties can be found on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)). They may also relate to other permissions or consents required or include further advice and guidance.

<b>Application No</b>	<b>PL/04824</b>
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<b>Application Type</b>	Removal/variation of conditions
<b>Proposal</b>	Variation of Condition No. 1 of S/38251 (to allow a further 5 years for the submission of reserved matters)
<b>Location</b>	Former Grillo Works, Harbour Road, Burry Port, SA16 0ER

<b>Applicant(s)</b>	Head of Regeneration - Jason Jones
<b>Agent</b>	Asbri Planning - Daniel Lemon
<b>Officer</b>	Zoe Baxter
<b>Ward</b>	Burry Port
<b>Date of validation</b>	10/10/2022

## Reason for Committee

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

## Site

The application site consists of the former Grillo Zinc Oxide works and adjoining land which has been included for access, drainage infrastructure and public realm works, and in total extends to 4.55 hectares.

The former factory site itself consists of a large, rectangular shaped, relatively level parcel of land, which extends to some 2.97 hectares in area located to the immediate east of the harbour, and to the immediate south of B4311 southern distributor road in Burry Port. The site itself which has been cleared of its former factory building lies approximately 500 metres to the south of town centre. The site consists predominantly of concrete hardstandings and other impermeable surfaces. In the south western corner of the site there is a large deposit of rubble, from the demolished buildings which were formerly located on the site. The former factory site's northern, western and southern boundaries are formed by 2m high brick and masonry walls. The site has an existing vehicle access off the B4311 in the north west corner of the site.

The Grillo Zinc Oxide works site has a heavy industrial past and the Ground Investigation Reports identify that the site contains a wide range of pollutants including organic compounds, hydrocarbons and heavy metals.

The harbourside area of Burry Port previously formed part of a wider regeneration strategy and masterplan, which was formally adopted as Supplementary Planning Guidance (SPG) to the previous Unitary Development Plan (UDP) by the Authority following extensive public consultation. This previous SPG however is no longer applicable to the LDP and a number of the Burry Port harbour sites were taken out of settlement limits in the LDP due to flooding planning policy concerns. Since 2002 significant public investment has been made in the area with the aim of bringing forward and facilitating this regeneration strategy. These works include a £10 million southern distributor road (SDR) and £8m investment into the harbour/marina itself.

As aforementioned, the main B4311 SDR is located to the immediate north of the application site, whilst Burry Port railway station is located within walking distance to the north. The coastal path and Sustrans cycle way is located to the south east of the application site. To the east of the site is the former Burry Port power station site, which now forms part of the wider Millennium Coastal Park (MCP).

The intertidal area and sea body to the south of the site comprises the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). Three marine Natura 2000 sites together form the European Marine Site – Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Carmarthen Bay Special Protection Area (SPA) and Burry inlet SPA.

## Proposal

The current application seeks to vary Condition 1 of S/38251 in order to allow additional time, further 5 years for the submission of Reserved Matters. Due to the time that has passed since the original and subsequent Section 73 application for this site, the following reports were updated and submitted for consideration as part of this Section 73 application:

- Covering Letter
- Planning Statement
- Planning Application Forms
- Ecological Appraisal
- Bat Survey Report
- Reptile Survey Report
- Drainage Strategy
- Flood Consequence Assessment
- Transport Assessment Addendum

Outline planning permission with all matters reserved was granted for the comprehensive redevelopment of the former works site for residential led development for up to 230 dwellings and up to 465 square metres of retail/leisure floor space (A1, A3 and D2 uses), along with associated works that include the creation of new and alteration of existing vehicle and pedestrian accesses, landscaping, public open space, all services and infrastructure, demolition, remediation and associated works. The covering letter submitted with the application stated that the vision is to redevelop this former industrial site into a vibrant, high quality, residential development incorporating a range of house types, sizes and tenures.

Indicative masterplan and harbour side scene drawings submitted depict a mixture of both high and medium density residential development with an active commercial frontage at ground floor on to the harbourside edge. Vehicular access to the site will be gained both from the existing road leading off the SDR and down towards the harbour to the west of the site, and also via a new access and road leading off the SDR and to the east of the site. The existing vehicular access serving the former Grillo zinc oxide factory site will be retained for pedestrian, cyclists and emergency access only.

This was one of a number of planning applications submitted around the same time for the comprehensive regeneration of the Burry Port harbour area. The other applications are as follows:-

S/30597 (Site 4) – Outline application for leisure development

S/30598 (Site 5 & 6) – Outline application for residential development

S/30599 (Site 7) – Outline application for employment uses and live/work

S/30600 (Site 8) – Outline application for a new Welsh medium primary school

S/30601 – Full application for enabling works to facilitate development

## **Planning Site History**

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

S/38251 - Variation of Condition no. 1 of S/30678 (To allow a further three years for the submission of a reserved matters)

Variation of Condition granted - 20 December 2019

S/30601 - An enabling works scheme, to serve the proposed development of the former Grillo site and masterplan sites 5, 6 and 7, comprising of the construction of drainage infrastructure, a new vehicular entrance from the existing B4311 via a new junction located to the immediate east of the Grillo site, and pedestrian/cycle access via the existing Grillo site entrance - 25 November 2015

S/30598 - Demolition of existing harbour masters offices, HM Coastguard Station, and ancillary storage buildings and construction of up to 134 no. residential units with associated infrastructure works - 25 November 2015

S/21243 - Retention of expired temporary consent for harbour master's office and storage and retrospective temporary consent to retain existing boat storage yard, storage containers, workshop and public convenience for a period of 3 years

Full planning permission - 26 May 2011

S/18723 - Redevelopment of former works for residential development and up to 465 square metres of retail/leisure floor space (A1, A3 and D2 Uses), creation of new and alteration of existing vehicle and pedestrian accesses, landscaping, public open space, remediation and associated works Pending s106 signed - commuted sum

Appeal dismissed - 21 March 2013

S/05999 - Application for hazardous substances consent Hazardous Substances Consent approval - 31 March 2004

LL/04643 - Harbour master's office being a standard portacabin, and compound including steel container and timber shed stores, enclosed by security fencing  
Full planning permission - 15 September 2003

LL/01399 - 3.1km of 7.3m wide carriageway, incorporating 7 no junctions, 3 no structures, cyclepaths/footpaths and all associated works  
Full planning permission granted - 18 July 2002

LL/00154 - Assisted living and day centre - 38 no 1 bedroom flats plus day centre and associated facilities (administration residential care etc)  
Full planning permission - 08 February 2002

S/02305 - Site office for harbour superintendent measuring 20' x 8' x 8'6" (temporary)  
Full planning permission - 13 March 2000

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

S/01446 - Burry Port Enhancement Scheme including the creation of a floating harbour, extended breakwaters, conversion of east and west docks to freshwater lakes, provision of cycleways/footpaths and associated hard and soft landscaping as part of the millennium coastal park development  
Withdrawn - 30 November 1998

S/01403 - Improvements to create part of Millennium Coastal Park to include areas of soft and hard landscaping, cycleway and footpaths  
Full planning permission granted - 04 September 1998

S/01385 - Functional advertisement re: interpretative centre  
Advertisement granted - 19 January 1999

S/00094 - Millennium Coastal Park V - harbour improvements etc  
Full planning permission - 25 November 1996

## **Planning Policy**

The following policies within the [Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP') are of relevance:

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution- Settlement Framework  
SP6 Affordable Housing  
SP8 Retail  
SP9 Transportation  
SP13 Protection and Enhancement of the Built and Historic Environment  
SP14 Protection and Enhancement of the Natural Environment  
SP15 Tourism and the Visitor Economy

SP17 Infrastructure  
SP18 The Welsh Language  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP3 Planning Obligations  
GP4 Infrastructure and New Development  
AH1 Affordable Housing  
TR3 Highways in Developments- Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage  
EP5 Coastal Development  
REC2 Open Space Provision and New Developments

### [Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## **Summary of Consultation Responses**

**Head of Transportation & Highways** - No objection subject to conditions.

**Head of Public Protection** - No objection.

**Pembrey and Burry Port Town Council** - No objection and recommend approval.

**Local Member(s)** - Councillor Shelley Godfrey-Coles has not commented to date.

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

**Natural Resources Wales** – no objection to the application, offer advice in relation to flood risk and European protected species.

**Dwr Cymru/Welsh Water** – no objection, request original conditions maintained.

**Coal Authority** – confirm no objection.

**Cadw** – confirm no objection.

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/publication in the local newspaper.

No representations were received. All representations can be viewed in full on our [website](#).



## Appraisal

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent or in terms of land or property ownership. As identified above, the application seeks to extend the time period for submission of Reserved Matters associated with the original outline planning permission.

In 2014, a number of outline applications were submitted by Carmarthenshire County Council for various developments linked with the wider regeneration of Burry Port harbour. These applications were subsequently approved towards the latter part of 2015. In 2019, Section 73 applications were submitted to extend the time period for submission of reserved matters application.

This application relates to the former Grillo Zinc Oxide factory site at Burry Port harbour, and is an application to vary Condition 1 of S/38251 in order to allow a further 5 years for the submission of Reserved Matters.

This Section 73 application to extend the period for the submission of reserved matters has been subject to a full consultation exercise with no objections being received from either statutory consultees or third parties.

The Local Planning Authority considers that there has been no material change in circumstance since the previous outline planning permission was granted in 2015 or the Section 73 application was determined in 2019. The previous applications were considered against the Carmarthenshire Local Development Plan which was adopted in 2014 and which remains to be the statutory local planning policy document for the County.

Whilst Planning Policy Wales Edition 11 is now relevant from a national planning policy perspective, it is considered that the proposal fully accords with the aims and aspirations of this document.

In terms of the 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.

The proposal has an acceptable package of supporting reports and where identified mitigation measures which reduce the impact of the proposed development.

The Authority's Planning Ecologist has confirmed no objection to the scheme subject to identifying that the ecological reports will remain valid for a period of 18 months to 2 years and after this time will need to be updated. Condition 33 is proposed to be added to the decision. The Highway Authority have no objection subject to conditions, including submission of an Active Travel and Public Transport Improvement Plan which should maximise opportunities for travel by non-car modes and include further details based on the submitted Transport Assessment Addendums.

**The previous Planning Committee Report is available for Members to view via the Authority's website:**

<https://democracy.carmarthenshire.gov.wales/documents/s34859/Report.pdf>

**This application to Vary Condition 1 of the previous planning permission to allow a further 5 years for the submission of reserved matters is put forward with a favourable recommendation subject to the imposition of the following conditions.**

## **Planning Obligations**

As part of the original outline application, the applicant has agreed to the following community benefit contributions:-

- 10% on site affordable housing. This reduced contribution has considered the significant abnormal costs associated with remediating this highly contaminated site.
- Education contribution of £189,876 based upon 230 residential units.
- In lieu of the requested £200,000 contribution towards offsite open space the future developer of the Grillo site will implement a scheme of public realm improvements on the western extent of the application site on the harbour's edge. As well as being secured via an appropriately worded planning condition this will form part of a requirement of the landowner's agreement between the Grillo applicant and the JV. Whilst there are no detailed drawings of the proposed public realm works available at this stage the cost of such works has been estimated at circa £250,000.
- A £60,000 financial contribution towards the 'Safe Routes in the Community Scheme', which aims to create safe formal crossing points and reduced vehicle speeds. This will improve linkages with the existing town centre and integrate the harbour side developments. This is linked to the offsite highway works proposed to facilitate the wider regeneration of the wider Burry Port harbour area.

## **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 application as submitted it is concluded on balance that there has been no material change in circumstances since the granting of the original outline planning permission or previous Section 73 permission which would warrant refusal of the current Section 73 application to further extend the time period for submission of reserved matters. Full re-consultation has been carried out with statutory consultees and full publicity. No objections have been received and the application is recommended for approval subject to the conditions set out below.

## RECOMMENDATION - Approval

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### Conditions & Reasons

#### Condition 1

Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of twelve years from the 27th January, 2016, and the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of fourteen years from the 27th January, 2016;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason:* Required by Section 91 of the Town and Country Planning Act 1990.

#### Condition 2

Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.

*Reason:* In order to ensure a satisfactory layout of the site and in the interest of visual amenities.

#### Condition 3

The details to be submitted pursuant to condition No 1 above shall show no more than 230 residential units and no more than 465m<sup>2</sup> of retail and leisure floor space and shall comply with the parameters of the Design and Access Statement submitted with the application.

*Reason:* To ensure that the details submitted do not exceed the scale of development assessed when granting outline planning permission.

#### Condition 4

Prior to the commencement of development a reptile and amphibian clearance, mitigation and translocation scheme and toad highway mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall subsequently be implemented in strict accordance with the approved details within a timescale to be agreed with the Local Planning Authority.

*Reason:* In the interests of biodiversity.

#### Condition 5

The development shall be undertaken in strict accordance with the recommendations made in the Ecological Assessment produced by Richard Pryce received on 16th August 2019, the Habitat Mitigation Strategy Report produced by Asbri Planning received on 30th August 2019, the Brownfield Habitat Mitigation Strategy by Asbri Planning received on the 18th

November, 2019 and the Preliminary Ecological Assessment produced by WSP received on 4 October 2022.

*Reason:* In the interests of biodiversity.

### **Condition 6**

Prior to the commencement of development a full detailed ecological mitigation, enhancement and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall subsequently be implemented in strict accordance with the approved details within a timescale to be agreed with the Local Planning Authority.

*Reason:* In the interests of biodiversity.

### **Condition 7**

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

- i. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii. The site investigation results and the detailed risk assessment (ii) 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.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 8**

Prior to the commencement of development a verification plan providing details of the data that will be collected in order to demonstrate that the approved remediation strategy is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved verification plan.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 9**

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

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 10**

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

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 11**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 12**

Prior to commencement of development full details of the surface water drainage system and separate foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved systems shall be completed before any building is occupied.

*Reason:* To reduce the risk of pollution to controlled waters (in particular the Carmarthen Bay and Estuaries SAC) and to prevent the increased risk of flooding, by ensuring the provision of a satisfactory means of foul and surface water disposal.

### **Condition 13**

Prior to commencement of development a scheme to install oil and petrol separators, trapped gullies and roof drainage, sealed at ground level, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

*Reason:* To protect controlled waters.

### **Condition 14**

Prior to commencement of development a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and subcontractors (for example, via toolbox talks) and any deficiencies rectified immediately.

*Reason:* Prevent pollution of controlled waters and the wider environment.

### **Condition 15**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

*Reason:* There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

### **Condition 16**

Prior to commencement of development a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

*Reason:* Prevent pollution of controlled waters and the wider environment.

### **Condition 17**

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

*Reason:* To prevent pollution of the water environment.

### **Condition 18**

Prior to the commencement of development a Construction Management Plan should be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

*Reason:* Prevent pollution of controlled waters and the wider environment.

### **Condition 19**

Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To protect human health.

### **Condition 20**

Prior to the commencement of demolition/construction works a scheme for the mitigation of dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

*Reason:* To protect human health.

### **Condition 21**

Prior to the commencement of development a scheme of lighting shall be submitted to and approved in writing by the local planning authority. The submitted details shall be designed in such a way as to avoid illumination of the adjacent coast line both during and post construction. Development shall take place in accordance with the approved details.

*Reason:* To minimise disturbance to protected species using the coast and minimise light pollution.

### **Condition 22**

All construction and demolition works should be undertaken in strict accordance with the mitigation measures detailed in points 5.1 to 5.4 of Noise Assessment Document Reference: C 36411 140715 CF JD ARW GNA01A produced by Waterman Infrastructure & Environmental Ltd, received 21st December 2018.

*Reason:* To preserve residential amenity.

### **Condition 23**

The building envelope of the dwellings to the northern part of the site adjacent to the B4311 southern distributor road shall be constructed so as to provide sound attenuation against external noise of not less than 35dB(A) with windows shut and other means of ventilation provided.

*Reason:* To protect residential living conditions.

### **Condition 24**

In order to ensure suitability of external noise levels, prior to the commencement of Development details of an acoustic barrier, to be erected along the edges of the gardens of the development site fronting the B4311, shall be submitted to and approved by the Local Planning Authority and once approved this shall be installed prior to occupation of the proposed dwellings and permanently retained thereafter.

*Reason:* To protect residential living conditions.

### **Condition 25**

Prior to the operation of the commercial premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing to the Local Planning Authority. This shall then be installed prior to the first use of the premises and retained and operated in compliance with the approved scheme.

*Reason:* To protect residential living conditions.

### **Condition 26**

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

*Reason:* To protect historic environment interests whilst enabling development.

### **Condition 27**

The development shall be undertaken in strict accordance with the mitigation measures outlined in the Flood Consequence Assessment undertaken by WSP received 4 October 2022, unless otherwise agreed in writing by the local planning authority.

*Reason:* To ensure that the development remains flood free.

### **Condition 28**

Prior to the beneficial occupation of any of the development hereby approved, the offsite drainage betterment scheme identified in the Glanmor Terrace/Burrows Terrace area of Burry Port as outlined in the Drainage Strategy by WSP received 4 October 2022, shall be



undertaken in strict accordance with that report unless otherwise agreed in writing by the local planning authority.

*Reason:* To protect the integrity of the public sewerage system and prevention of pollution to the environment.

### **Condition 29**

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

*Reason:* In the interest of highway safety.

### **Condition 30**

Prior to commencement of development full details of the proposed measures to facilitate traffic management, and the proposed crossing points on the Southern Distributor Road shall be submitted for the written approval of the Local Highway Authority and to the specification of the Local Highway Authority. Thereafter the approved scheme shall be implemented in full.

*Reason:* In the interest of highway safety.

### **Condition 31**

The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate and prevent the spread of sea buckthorn has been submitted to and approved in writing by the local planning authority. Furthermore works should be implemented in accordance with the approved scheme.

*Reason:* To prevent the spread and eradicate an invasive species

### **Condition 32**

No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*Reason:* To provide an appropriate level of affordable housing in accordance with Policy AH1 of the LDP and TAN 2.

### **Condition 33**

No phase of development, including site clearance, with the potential to impact on protected species shall commence until updated pre-construction protected species survey has been carried out for that respective phase of development as agreed with the LPA and NRW. If the survey confirms the presence of protected species the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the approved details.

*Reason:* To ensure future development is supported by up-to-date ecological information.

### **Condition 34**

Prior to the commencement of development an Active Travel and Public Transport Improvement Plan to support the development herewith approved shall be submitted to and approved in writing by the local planning authority. The plan shall include the details set out in the Transport Assessment Addendums submitted as part of this application. The approved works shall subsequently be implemented in full prior to the beneficial occupation of the development.

*Reason:* In the interest of highway safety.

## **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.**

Any prospective purchaser(s) of the land referred to in the Planning Permission PL/04824 will be required in the Contract of Sale to enter into a Section 106 Agreement with Carmarthenshire County Council for the provision of a contribution towards Education of £189,876 (based upon 230 dwellings), a scheme of public realm improvements on the western extent of the application site on the harbour's edge (estimated at around £250,000), A £60,000 financial contribution towards the 'Safe Routes in the Community Scheme' and the provision of 10% affordable housing onsite. Or as otherwise agreed at Reserved Matters stage.

**Note 3.**

Comments and responses received from consultees and third parties can be found on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)). They may also relate to other permissions or consents required or include further advice and guidance.

<b>Application No</b>	<b>PL/04825</b>
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<b>Application Type</b>	Removal/variation of conditions
<b>Proposal</b>	Variation of Condition 1 on S/38105 (Extension of Time)
<b>Location</b>	Site 4, Burry Port Harbour (East), Burry Port, SA16 0LT

<b>Applicant(s)</b>	Head of Regeneration - Jason Jones
<b>Agent</b>	Asbri Planning - Daniel Lemon
<b>Officer</b>	Zoe Baxter
<b>Ward</b>	Burry Port
<b>Date of validation</b>	10/10/2022

## Reason for Committee

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

## Site

The application site which is referred to as Site 4, Burry Port harbour, comprises an irregular shaped parcel of land with an area measuring approximately 1.21 hectares.

The site comprises a standalone plot of land which does not share its boundary with any neighbouring sites forming part of the regeneration framework area. The site is bounded by Burry Port harbour to the south, East Dock to the west and an area of green open space to the north. The access road leading off the roundabout junction of the Southern Distributor Road (SDR) and down to the harbour edge and coastline beyond is located to the east of the application site. Furthermore, two Grade II listed buildings lie to the south of the site, in the form of the lighthouse and harbour walls, a Scheduled Ancient Monument, in the form of the Iron Tub Boats, and an area of international importance in terms of conservation which is referred to in more detail below.

The application site is currently characterised by green space comprising of an open section of grassland and a section of scrub with areas of tipped silt which is currently enclosed by post and wire fencing. The two sections are separated by a row of semi mature Scott Pines which intersect from the north to the south east corner of the site.

The site is currently undeveloped and has been vacant for a number of years since the area's industrial past diminished. The exception to this is in the form of a small electrical sub-station located towards the eastern boundary of the site.

Vehicular access into the site is currently achieved from the harbour approach road to the east of the site, whilst the site also benefits from excellent pedestrian and cycle connections including the Millennium Coastal Path and National Cycle Route, which interweaves along the southern boundary of the site.

The harbour side area of Burry Port previously formed part of a wider regeneration strategy and masterplan, which was formally adopted as Supplementary Planning Guidance (SPG) to the previous Unitary Development Plan (UDP) by the Authority following extensive public consultation. This previous SPG however is no longer applicable to the LDP and a number of the Burry Port harbour sites were taken out of settlement limits in the LDP due to flooding planning policy concerns. Since 2002 significant public investment has been made in the area with the aim of bringing forward and facilitating this regeneration strategy. These works include a £10 million southern distributor road (SDR) and £8m investment into the harbour/marina itself.

The intertidal area and sea body to the south of the site comprises the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). Three marine Natura 2000 sites together form the European Marine Site – Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Carmarthen Bay Special Protection Area (SPA) and Burry Inlet SPA.

## Proposal

The current application seeks to vary Condition 1 of S/38105 in order to allow additional time, further 5 years for the submission of Reserved Matters. Due to the time that has passed since the original and subsequent Section 73 application for this site, the following reports were updated and submitted for consideration as part of this Section 73 application:

- Covering Letter
- Planning Statement
- Planning Application Forms
- Ecological Appraisal
- Bat Survey Report
- Reptile Survey Report
- Drainage Strategy
- Flood Consequence Assessment
- Transport Assessment Addendum

Outline planning permission with all matters reserved was granted for a commercial leisure development comprising of a mix of retail, hotel, pub/residential and residential uses. The Planning Statement submitted with the application stated that the commercial leisure development proposed in this instance seeks to achieve a complementary mix of uses which are designed to create a distinct place and promote Burry Port harbour as a visitor

destination. It goes on to state that the creation of a critical mass of commercial and leisure activity which will serve to enhance the existing area as well as the public realm and expansion of the marina.

The outline application was accompanied by an indicative site plan which provided a conceptual layout for the proposed leisure development. This plan indicates the development of some 5000 sqm of commercial leisure floor space comprising a number of buildings which could be scheduled as follows:-

- A3 leisure uses such as cafe/bar/restaurant with residential flats above;
- Retail leisure use with flats above;
- Possible hotel with flats above; and
- Possible public house with landlord's accommodation above.

The covering letter submitted with the application stated that it is envisaged that the proposed retail leisure building could be located in the north-western corner of the site and would comprise of a small link extension connecting to the proposed A3 leisure building located immediately south. A hotel building could possibly be sited along the western boundary of the site, with a public house building sited in the south-western corner of the site, and the remaining A3 leisure buildings delineating the southern boundary of the site.

The proposed buildings shown on the indicative layout, with the exception of small linked extension between two of them, are detached and will vary in size with the majority comprising of rectangular footprints. The proposed public house building shown occupies a prominent corner position and will comprise of an 'L' shaped footprint designed to create an active frontage.

The indicative layout submitted also shows a generous car parking area located centrally within the site accessed via a new dedicated vehicular access from the harbour approach road to the east of the site.

This was one of a number of planning applications submitted around the same time for the comprehensive regeneration of the Burry Port harbour area. The other applications were as follows:-

S/30598 (Site 5 & 6) – Outline application for residential development.

S/30599 (Site 7) – Outline application for employment uses and live/work.

S/30600 (Site 8) – Outline application for a new Welsh medium primary school.

S/30601 – Full application for enabling works to facilitate development.

S/30678 (Former Grillo site) – Outline application for residential led development with some retail and leisure uses.

## **Planning Site History**

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

S/38106 - Variation of Condition 1 on S/30597 (Extension of time) - Approved - 19 December 2019

S/30597 - Commercial leisure development comprising a mix of retail, hotel, pub / restaurant and residential uses - Approved - 25 November 2015

S/27668 - Pole mounted free standing general promotional signage - Approved - 14 March 2013

S/11564 - Earthworks/construction of bund for temporary deposition of as-dredged silt  
Approved - 09 February 2006

S/00094 - Millennium Coastal Park V - harbour improvements etc. – Approved - 25 November 1996

D5/9877 - Construction of covered wagon repair building – Approved - 13 October 1987

D5/9245 - Construction of covered wagon repair – Approved - 17 July 1986

D5/3922 - Installation of plant - Approved - 13 September 1979

D5/728 - Extension to production area – Approved - 24 February 1975

## Planning Policy

The following policies within the [Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP') are of relevance:

- SP1 Sustainable Places and Spaces
- SP2 Climate Change
- SP3 Sustainable Distribution- Settlement Framework
- SP6 Affordable Housing
- SP8 Retail
- SP9 Transportation
- SP13 Protection and Enhancement of the Built and Historic Environment
- SP14 Protection and Enhancement of the Natural Environment
- SP15 Tourism and the Visitor Economy
- SP17 Infrastructure
- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- GP3 Planning Obligations
- GP4 Infrastructure and New Development
- H2 Housing within Development Limits
- AH1 Affordable Housing
- EMP2 New Employment Proposals
- EMP5 Mixed Use Sites
- TR2 Location of Development- Transport Considerations
- TR3 Highways in Developments- Design Considerations
- EQ1 Protection of Buildings, Landscapes and Features of Historic Importance
- EQ4 Biodiversity
- EP1 Water Quality and Resources
- EP2 Pollution

- EP3 Sustainable Drainage
- EP5 Coastal Development
- TSM4 Visitor Accommodation

## Carmarthenshire Supplementary Planning Guidance

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - No objection subject to conditions.

**Public Rights of Way Officer** - No observations received to date.

**Head of Public Protection** - No objection.

**Pembrey and Burry Port Town Council** - No objection and recommend approval.

**Local Member(s)** - Councillor Shelley Godfrey-Coles has not commented to date.

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

**Natural Resources Wales** – no objection to the application, offer advice in relation to flood risk and European protected species.

**Dwr Cymru/Welsh Water** – no objection, request original conditions maintained.

**Coal Authority** – confirm no objection.

**Cadw** – confirm no objection.

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/publication in the local newspaper.

No representations were received.

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

## Appraisal

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent or in terms of land or property ownership. As identified above, the application seeks to extend the time period for submission of Reserved Matters associated with the original outline planning permission.



In 2014, a number of outline applications were submitted by Carmarthenshire County Council for various developments linked with the wider regeneration of Burry Port harbour. These applications were subsequently approved towards the latter part of 2015. In 2019, Section 73 applications were submitted to extend the time period for submission of reserved matters application.

This application relates to Site 4 at Burry Port Harbour, and is an application to vary Condition 1 of S/38105 in order to allow a further 5 years for the submission of Reserved Matters.

This Section 73 application to extend the period for the submission of reserved matters has been subject to a full consultation exercise with no objections being received from either statutory consultees or third parties.

The Local Planning Authority considers that there has been no material change in circumstance since the previous outline planning permission was granted in 2015 or the Section 73 application was determined in 2019. The previous applications were considered against the Carmarthenshire Local Development Plan which was adopted in 2014 and which remains to be the statutory local planning policy document for the County.

Whilst Planning Policy Wales Edition 11 is now relevant from a national planning policy perspective, it is considered that the proposal fully accords with the aims and aspirations of this document.

In terms of the 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.

The proposal has an acceptable package of supporting reports and where identified mitigation measures which reduce the impact of the proposed development.

The Authority's Planning Ecologist has confirmed no objection to the scheme subject to identifying that the ecological reports will remain valid for a period of 18 months to 2 years and after this time will need to be updated. Condition 27 is proposed to be added to the decision. The Highway Authority have no objection subject to conditions, including submission of an Active Travel and Public Transport Improvement Plan which should maximise opportunities for travel by non-car modes and include further details based on the submitted Transport Assessment Addendums.

**The previous Planning Committee Report is available for Members to view via the Authority's website:**

<https://democracy.carmarthenshire.gov.wales/documents/s31800/Report.pdf>

**This application to Vary Condition 1 of the previous planning permission to allow a further 5 years for the submission of reserved matters is put forward with a favourable recommendation subject to the imposition of the following conditions.**

## 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 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 application as submitted it is concluded on balance that there has been no material change in circumstances since the granting of the original outline planning permission or previous Section 73 permission which would warrant refusal of the current Section 73 application to further extend the time period for submission of reserved matters. Full re-consultation has been carried out with statutory consultees and full publicity. No objections have been received and the application is recommended for approval subject to the conditions set out below.

### RECOMMENDATION - Approval

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## Conditions & Reasons

### Condition 1

Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of twelve years from the 25th November, 2015, and the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of fourteen years from the 25th November 2015;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

### Condition 2

Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.

*Reason:* In order to ensure a satisfactory layout of the site and in the interest of visual amenities.

### **Condition 3**

Prior to the commencement of development, a reptile and amphibian clearance, mitigation and translocation scheme and toad highway mitigation scheme shall be submitted to and approved in writing by the by the local planning authority. The schemes shall subsequently be implemented in strict accordance with the approved details within a timescale to be agreed with the Local Planning Authority.

*Reason:* In the interests of biodiversity.

### **Condition 4**

The development shall be undertaken in strict accordance with the recommendations made in the Updated Ecological Appraisal Report produced by Eco Vigour dated October 2018 and received on the 21st November, 2018, the mitigation measures stated in the Ecological Mitigation Strategy February 2019 produced by Asbri Planning and received on the 26th April, 2019 and the Habitat Mitigation Strategy Report produced by Asbri Planning received 30<sup>th</sup> August, 2019 and the Preliminary Ecological Assessment produced by WSP received on 4 October 2022.

*Reason:* In the interests of biodiversity.

### **Condition 5**

Prior to the commencement of development, a full detailed ecological mitigation, enhancement, and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* In the interests of biodiversity.

### **Condition 6**

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

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (ii) 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.

*Reason:* To protect the environment and human health and comply with Local Development Plan Policy.

#### **Condition 7**

Prior to the commencement of development, a verification plan providing details of the data that will be collected in order to demonstrate that the approved remediation strategy is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved verification plan.

*Reason:* To protect the environment and human health and comply with Local Development Plan Policy.

#### **Condition 8**

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

*Reason:* To protect the environment and human health and comply with Local Development Plan Policy.

#### **Condition 9**

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

*Reason:* To protect the environment and human health and comply with Local Development Plan Policy.

#### **Condition 10**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason:* To protect the environment and human health and comply with Local Development Plan Policy.

### **Condition 11**

Prior to commencement of development full details of the surface water drainage system and separate foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved systems shall be completed before any building is occupied.

*Reason:* To reduce the risk of pollution to controlled waters (in particular the Carmarthen Bay and Estuaries SAC) and to prevent the increased risk of flooding, by ensuring the provision of a satisfactory means of foul and surface water disposal.

### **Condition 12**

Prior to commencement of development a scheme to install oil and petrol separators, trapped gullies and roof drainage, sealed at ground level, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

*Reason:* To protect controlled waters.

### **Condition 13**

Prior to commencement of development a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development including a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

*Reason:* Prevent pollution of controlled waters and the wider environment.

### **Condition 14**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

*Reason:* There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

### **Condition 15**

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be

located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

*Reason:* To prevent pollution of the water environment.

#### **Condition 16**

Prior to the commencement of development, a Construction Management Plan should be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

*Reason:* Prevent pollution of controlled waters and the wider environment.

#### **Condition 17**

Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To protect human health

#### **Condition 18**

Prior to the commencement of demolition/construction works a scheme for the mitigation of dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

*Reason:* To preserve residential amenity and to protect human health.

#### **Condition 19**

Prior to the commencement of the development a scheme for the control of noise and vibration shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

*Reason:* To preserve residential amenity and to protect human health.

#### **Condition 20**

The developer shall ensure that a professionally qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be carried out. The archaeological watching brief will be undertaken to the standards laid down by the Institute for Archaeologists. The Planning Authority will be informed, in writing at least two weeks prior to the commencement of the development, of the name of the said archaeologist.

*Reason:* To protect historic environment interests whilst enabling development.

### **Condition 21**

The development shall be undertaken in strict accordance with the mitigation measures outlined in the Flood Consequence Assessment undertaken by WSP received 4 October 2022, unless otherwise agreed in writing by the local planning authority.

*Reason:* To ensure that the development remains flood free

### **Condition 22**

Prior to the beneficial occupation of any of the development hereby approved, the offsite drainage betterment scheme identified in the Glanmor Terrace/Burrows Terrace area of Burry Port as outlined in the Drainage Strategy Report undertaken by WSP received 4 October 2022, shall be undertaken in strict accordance with that report unless otherwise agreed in writing by the local planning authority.

*Reason:* To protect the integrity of the public sewerage system and prevention of pollution to the environment.

### **Condition 23**

Prior to commencement of development full details of the proposed measures to facilitate traffic management, and the proposed crossing points on the B4311 Southern Distributor Road shall be submitted for the written approval of the Local Planning Authority and to the specification of the Local Highways Authority. Thereafter the approved scheme shall be implemented in full prior to the beneficial use of the development hereby approved.

*Reason:* In the interest of highway safety.

### **Condition 24**

Prior to the beneficial use of the development hereby approved a detailed Travel Plan for the site, setting out ways of reducing car usage and improvements to public transport, walking and cycling provision in the locality of the site and shall be submitted to and agreed in writing with the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details and at a timescale to be approved in writing by the Local Planning Authority.

*Reason:* In the interest of highway safety.

### **Condition 25**

Prior to the commencement of development, a scheme of lighting shall be submitted to and approved in writing by the local planning authority. The submitted details shall be designed in such a way as to avoid illumination of the adjacent coastline both during and post construction. Development shall take place in accordance with the approved details.

*Reason:* To minimise disturbance to protected species using the coast and minimise light pollution.

## **Condition 26**

The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate and prevent the spread of sea buckthorn has been submitted to and approved in writing by the local planning authority. Furthermore, works should be implemented in accordance with the approved scheme.

*Reason:* To prevent the spread and eradicate an invasive species.

## **Condition 27**

No phase of development, including site clearance, with the potential to impact on protected species shall commence until updated pre-construction protected species survey has been carried out for that respective phase of development as agreed with the LPA and NRW. If the survey confirms the presence of protected species the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the approved details.

*Reason:* To ensure future development is supported by up-to-date ecological information.

## **Condition 28**

Prior to the commencement of development an Active Travel and Public Transport Improvement Plan to support the development herewith approved shall be submitted to and approved in writing by the local planning authority. The plan shall include the details set out in the Transport Assessment Addendums submitted as part of this application. The approved works shall subsequently be implemented in full prior to the beneficial occupation of the development.

*Reason:* In the interest of highway safety.

## **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 responses received from consultees and third parties can be found on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)). They may also relate to other permissions or consents required or include further advice and guidance.

<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>
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<b>Application No</b>	<b>PL/04748</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Demolition of Existing (partially built) stable block to be replaced by a local need dwelling (Re-submission of Planning Application PL/02285)
<b>Location</b>	Land opposite Ty Liliwen, Nantycaws, Carmarthen

<b>Applicant(s)</b>	Sophie Hunt & Dayle Hastwell
<b>Agent</b>	Ceri Davies Planning Ltd - Mr Ceri Davies
<b>Officer</b>	Paul Roberts
<b>Ward</b>	Llangunnor
<b>Date of validation</b>	29/09/2022

## Reason for Committee

This application is being reported to the Planning Committee upon the request of the local member, Councillor Elwyn Williams.

## Site

The application site consists of a rectangular parcel of land that forms part of a larger field enclosure that flanks the northern side of the C2071 to the west of the village of Nantycaws. It consists of a mix of hardstanding and overgrown areas and includes a partly constructed stable building that was granted planning permission back in 1995 and currently consists of three concrete block walls set above a concrete slab. Construction works on the stable were not completed and, as a result, the walls that were erected have since either collapsed or fallen into a poor state of disrepair. Until recently, the site was overgrown with the remains of the stable being surrounded by scrub and small trees, however, these have recently been cleared from the site.

The site has the benefit of an access track that runs contiguous with its eastern boundary and egresses onto the C2071 via a gated entrance. Its northern, eastern and southern boundaries are defined by existing trees and hedgerows with the latter providing some screening from the roadway despite some previous clearance works by the applicant. The

site has no defined western boundary separating it from the remainder of the small field enclosure of which it forms part. There are no footways fronting the site and the roadway has a wide 10 metre carriageway with a central chevron area to separate its two traffic lanes.

The site is separated from the main built form of the village on the northern side of the C0271 by a large field enclosure. The built development on the opposite southern side of the road extends further west up towards the site with these consisting of residential properties and the village chapel. There is a detached residential property opposite the site.

## Proposal

Planning permission is sought for the demolition of the existing stable walls and the construction of a new local needs dwelling within the site. The dwelling is to consist of a three bedroom detached house that will be sited on the area of the existing structure and will be orientated in an easterly direction. The main house will be adjoined by a single storey side projection that will be utilised as a garage or playroom with the garage door being located on the rear elevation of the dwelling. The dwelling has an internal floor area of 176 square metres. It is to have a slated pitched roof and painted rendered elevations and will utilise the existing access into the site. A parking and turning area are to be provided to the front and rear of the dwelling while the remainder of the curtilage is to consist of a mix of paved and lawned areas.

The application has been accompanied by a supporting statement which provides the background to the application. The proposal is to provide a family home for the applicants and their two young children who currently live in the parental home in the village of Llanarthne. The statement indicates that this living arrangement was to be on a temporary basis until a permanent home could be found, however, rising house prices have meant that they have found it difficult to find a suitable property within their financial means. One of the applicants was born and raised in the village of Llanarthne with the family having previously operated a nursery in Nantycaws before moving to more suitable premises in Carmarthen. The statement emphasises the applicants' established links with the community areas of both Llanarthne and Llangunnor and that the addition of their second child has required that they find more suitable accommodation.

The applicants suggest that the cost of available three and four bedroom properties that would meet their needs in the communities of Llangunnor and Llanarthne would range between £240,000 and £397,500 with those available in the neighbouring communities being of a comparable level. These property prices have meant at they have been unable to secure a suitable dwelling in the local area and they therefore propose to construct a dwelling on the site that would be affordable and meet their current accommodation needs. Given the site's location outside the development limits of Nantycaws, the applicants are agreeable to the requirement to enter into a Section 106 legal agreement restricting the future occupancy of the new dwelling to ensure it is retained as an affordable local needs dwelling.

The application is a re-submission of a previous application (PL/02285) that was presented to the Planning Committee for determination at its meeting on 9 December 2021. The Committee resolved to refuse the application in accordance with the officer recommendation on the basis that the proposed new dwelling was at odds with the objectives of Policy AH2 of the LDP. Specifically, it was contrary to criterion a) of the policy in that the site is not located immediately adjacent to the development limits of Nantycaws and would result in a

fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. It was also in conflict with criteria b) and c) of the policy in that the size, scale and design of the dwelling, having a floor space of 216 square metres, was not compatible with an affordable dwelling that would be available to low or moderate income groups.

The previous application was also refused on highway and pedestrian safety grounds upon the recommendation of the Head of Transport whereby the proposal was considered to be contrary to the objectives of Policy TR3 of the LDP. This was on the basis that the access serving the new dwelling has restricted visibility along the roadway and the development would lead to increased pedestrian movements along a section of the road that has no pedestrian facilities. The proposal would also result in additional pedestrian movements across the wide carriageway of the road.

The applicant subsequently appealed the Council's decision to refuse the application and the Planning Inspector's decision was recently received on 23 November 2022 wherein the appeal was dismissed. The Planning Inspector concurred with the Council's decision that the development was contrary to Policy AH2 of the LDP, while also concluding that the visual harm caused by the development would conflict with the requirements of Policy GP1 of the LDP.

However, the Inspector disagreed with the Head of Transport's recommendation to refuse the application following consideration of an accessibility appraisal and speed survey provided by the applicant as part of the appeal and opined that the proposal would not have an adverse impact upon highway and pedestrian safety. It should be noted that the applicant undertook significant clearance works to the trees, hedgerows and vegetation along the site's frontage following the refusal of the previous planning application to improve the visibility from the site access prior to the consideration of the appeal by the Planning Inspector. The work was undertaken on land outside the applicant's control to improve the visibility from the site access, particularly in a westerly direction, and despite officers highlighting the applicant's inability to lawfully maintain this land and the visibility splays for the lifetime of the development, nonetheless, the Planning Inspector gave no weight to this consideration and deemed the proposal to be acceptable on highway and pedestrian safety grounds.

## **Planning Site History**

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

PL/02285 Demolition of existing (partly built) stable block to be replaced by a residential dwelling (local need) - Full planning permission refused 9 December 2021

D4/25711 Construction of stables and barn - Full planning permission 05 September 1995

## **Planning Policy**

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

SP1 Sustainable Places and Spaces

SP5 Housing

GP1 Sustainability and High Quality Design

### National Planning Policy

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Llangunnor Community Council** - No objection.

**Local Member** - County Councillor Elwyn Williams has requested that the application be presented to the Planning Committee for determination if officers are minded to refuse planning permission to allow the members of the Committee to consider all the facts relating to the proposal. In doing so, he opines that the site is located in the middle of the village, not close to the national speed limit, and suggests there was a house on the site previously. He also highlights there is a local needs house on the opposite side of the road.

**Head of Transport** – Has objected to the application on the following basis :

- The visibility splays required to serve the development are outside the control of the applicant and cannot therefore be secured for the lifetime of the development.
- The applicant has failed to demonstrate that the 2.4 x 120 metre splays required to serve the development can be achieved notwithstanding the vertical gradient and horizontal alignment of the county road.
- The development would lead to increased pedestrian movements along a section of road with no pedestrian facilities.
- The development would cause additional crossing movements by pedestrians.

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 a site notice to the front of the site. No third party representations have been received to date.

## Appraisal

Policy AH2 of the LDP provides the principal policy context for the proposal and permits affordable housing developments on sites immediately adjacent to the development limits of defined settlements in exceptional circumstances where they are to meet a genuine identified local need, and subject to them being in accord with a number of qualifying criteria.

The Plan defines local need as residents of the community and town council area or adjoining community and town council area whose circumstances relate to current substandard or unsatisfactory accommodation, or where they are forming a new family or leaving the parental home for the first time. The definition also applies to those with an established link with the community and town council area.

The criteria set out in the policy include the need for the proposal to represent a logical extension to the development limits and be of a scale appropriate to and in keeping with the character of the settlement (criterion a). Criteria b) and c) also require that the benefits of the initial affordability be retained for subsequent occupiers, and that the size, scale and design of the dwelling be compatible with an affordable dwelling.

It is accepted that the applicants satisfy the local need requirement set out in the Policy whereby they currently live in the adjoining community council area of Llanarthne, are forming a new family and leaving the parental home, while also having established links with Nantycaws and the Llangunnor community council area wherein the site is located. Notwithstanding this, whilst they suggest that their budget to construct the new dwelling is circa £170,000 - £180,000, no information relating to their financial circumstances has been provided to substantiate this. Moreover, although they indicate that there are no properties available in the surrounding area that would be affordable and meet their requirements, a recent online search by the Council's valuer of properties currently available on the market within a five mile radius of the site found 20 three and four bedroom properties being advertised for prices between £75,000 - £210,000 ranging from ex-Council houses, traditional properties and new-build houses. Thirteen of these properties fall within the applicant's budget of up to £180,000 and consist of three bedroom accommodation that would provide for their accommodation needs while also being close to their place of work in Carmarthen. No reference is made to these lower value properties in the application and no information has been provided to demonstrate why they would not meet the applicants' accommodation needs.

The Council's valuer has also undertaken a search of building plots that are available in a five mile radius of the application site that revealed a number of plots available in Carmarthen with the benefit of outline planning permission. With the applicants' budget of up to £180,000 and a build cost rate of £1200psm (as specified by the agent), the valuer suggests that it would be possible to build a Welsh Government's design quality standards (DQR) compliant 3 bedroomed property for £111, 600 which would leave a £68,400 budget to purchase a plot within development limits that are being advertised as having the benefit of outline planning permission. Two of the plots identified in the valuer's search fall within this budget.

In terms of the requirements of criteria b) and c) of Policy AH2 relating to the scale, design and affordability of the new dwelling, the plans submitted show the dwelling has been reduced in size from that proposed under the previous application with a reduction from 216 to 176 square metres of internal floor space. The main two storey house has been reduced in depth by approximately 1.1 metres and will provide three bedroom accommodation in contrast to the four bedrooms previously proposed, and the single storey side projection has been reduced in width resulting in the omission of a lounge and dining room previously proposed. It is noteworthy that whilst the size of the dwelling has been reduced as a part of the current application, the pitch and height of the roof has been increased thereby providing an opportunity to convert it to habitable accommodation in the future.

In dismissing the appeal relating to the previous application the Planning Inspector agreed with the Council's decision in that the dwelling of the scale proposed could not reasonably be described as an affordable dwelling while also being beyond the financial means of those on low or moderate incomes. Despite the reduction in its size as part of this subsequent application, the dwelling proposed remains significantly larger than the Welsh Government's Welsh Development Quality Requirements 2021 (DQR) which advises that a 4 person/3 bedroom two-storey dwelling can be achieved with a floor space of 88 square metres. It is

therefore double the floorspace standard recommended by the Welsh Government for an affordable three bedroom dwelling, while also being some 62 square metres bigger than the largest affordable dwelling specified in the Welsh Government guidance which is a 7 person/4 bedroom dwelling with a floor space of 114 square metres.

Whilst the applicants indicate that the construction of the new dwelling would be within their budget of up to £180,000 based upon a suggested build cost of £1,200 per square metre, the resulting cost would in fact equate to £211,200 which would be beyond their budget without taking into consideration the purchase price of the site. This cost significantly exceeds the current affordable price of £87,925 for a 3 bedroomed dwelling within the Taf Myrddin Community Network Area wherein the site is located, and indeed the £102,579 purchase price for a 4 bedroom affordable dwelling. The size, scale and design of the dwelling proposed are not considered to be compatible with an affordable dwelling and the dwelling would not be affordable to those on low or moderate incomes. The proposal therefore fails to comply with the requirements of criteria b) and c) of Policy AH2. It is also in conflict with the objectives of paragraph 4.2.4 of Technical Advice Note 6 which states “whilst the price of the affordable home covers development costs, prices are well below market values. For this model to work planning authorities must ensure that properties constructed are affordable to the local community as a whole, not only the initial occupier, and requests to allow disposal on the open market (except where the mortgagee is in possession) resisted”.

Turning to the location of the proposal, the site is located approximately 120 metres to the west of the main built form and development limit of the settlement on the northern side of the C0271, being separated from both by a large field enclosure. It does not therefore accord with the requirements of criterion a) of Policy AH2 in that it is not located immediately adjacent to the development limits of the settlement, nor would it represent a logical extension to the limits. Whilst the built development and development limits of the settlement on the opposite side of the road extend further westwards towards the site, the site’s isolated location on the opposite side of the road beyond the defined limits would result in a fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. It is of note that the dwelling on the opposite side of the road to the site was granted permission as a local needs dwelling back in 2010 given its location immediately adjacent to the development limits of the settlement as defined in the Authority’s previous UDP, and that its development represented an acceptable extension of the existing pattern of development on the southern side of the road.

Although the site has previously had the benefit of planning permission for the construction of a stable and barn which was granted back in 1995, they have not been developed on the site. Notwithstanding this, the proposal to construct a residential dwelling on the land would introduce a development of a wholly different character and appearance to that of a stable and barn which are normally associated with rural locations by virtue of the nature of their use. The residential development of the site would, as highlighted above, be harmful to the rural character and appearance of the area.

The Planning Inspector concurred with the foregoing concerns regarding the location and visual impact of the development in dismissing the appeal for the previous application. In doing so, he concluded that the *“the appeal site cannot be said to be immediately adjacent to the development limits of Nantycaws nor is it a logical extension to the settlement”*. Moreover, he opined that a dwelling would be very different in nature to the stable block and barn previously approved on the site concluding that *“a dwelling here with the inevitable domestic paraphernalia, set in the countryside away from the village, would appear out of*



*place and incongruous*", and that the development on the opposite side of the road "*does not justify building an isolated dwelling opposite*". In submitting both planning applications and trying to justify a new dwelling at this location, the applicant has highlighted the presence of sporadically located dwellings along the C2071 to the west of the site, however, the Planning Inspector dismissed this as a basis upon which permission should be granted in concluding that "*adding another example of sporadic development in the countryside would neither be good design nor good planning*". He also gave little weight to the previous permission for the stable and barn on the site and the applicant's suggestion that the development would improve the appearance of the site in commenting that "*that the site is in a poor state is an argument that could be used many times, undermining the strict control over new dwellings in the countryside. In any event, the ruins of the unfinished stables cannot be seen from the road*". The Inspector concluded that the proposed development would be detrimental to the character and appearance of the area thereby conflicting with Policy GP1 of the LDP which requires, amongst others, that developments should conform with and enhance the character and appearance of the area.

It is noteworthy that the applicants made enquiries with officers regarding the potential to construct an opening market dwelling on the site prior to them purchasing the land, while also subsequently submitting a statutory pre-application enquiry relating to the same development. In response, the applicants were advised that there is a presumption against residential development on the site on the basis of its location outside the development limits of the settlement and, moreover, that a proposal for a local needs dwelling would not accord with the requirements of Policy AH2 on the basis of the reasons referred to above and the site's separation from the built development of the village.

Finally, members will have noted above that the Head of Transport has objected to the application despite the Inspector's conclusion that the development will not have an adverse impact upon highway safety. Whilst the applicant has cleared trees, hedgerows and vegetation along the site's frontage following the refusal of the previous planning application to improve the visibility from the site access prior to the consideration of the appeal by the Planning Inspector, this work was undertaken on land outside the applicant's control whereby the visibility splays cannot be lawfully secured for the lifetime of the development. The applicant has also failed to demonstrate that the 2.4 x 120 metre splays required to serve the development can be achieved given the change in the vertical gradient and horizontal alignment of the roadway within the vicinity of the site. In terms of pedestrian safety, the Head of Transport highlights that the proposal does not include provision for any pedestrian facilities to the front of the site whereby it does not cater for the needs of pedestrians and is not easily accessible via sustainable means of travel. Further, pedestrians would need to cross the 10 metre carriageway of the road to reach the footway on the other side which given the recorded traffic speeds provided by the applicant (44mph - 85<sup>th</sup> percentile) would be detrimental to pedestrian safety.

The proposal is therefore considered to be at odds with the objectives of Policy TR3 of the LDP in that it would be detrimental to highway and pedestrian safety.

## **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, together with the representations received, it is concluded on balance that the proposal represents an unjustified development in the open countryside that is at odds with the policy objectives of the Local Development Plan.

The proposal is in conflict with the requirements of Policies AH2 and GP1 of the Plan in that the site is not immediately adjacent to and does not represent a logical extension to the development limits of Nantycaws, and the development would result in a fragmented and disjointed pattern of residential development that would be harmful to the character and appearance of the rural area wherein it is located. Furthermore, the proposal would be detrimental to highway and pedestrian safety within the vicinity of the site and is thereby at odds with the objectives of Policy TR3 of the Plan.

The application is therefore recommended for refusal.

## RECOMMENDATION - Refusal

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### Reasons

#### Reason 1

The proposal is contrary to Policies GP1 'Sustainability and High Quality Design' and AH2 Policy 'Affordable Housing – Exception Sites' of the adopted Carmarthenshire Local Development Plan (2014) in that the site is not located immediately adjacent to and does not represent a logical extension to the development limits of Nantycaws as defined in the Plan. Moreover, the proposal would result in a sporadic, fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area.

#### Reason 2

The proposal is contrary to Policy TR3 'Highways in Development – Design Considerations' of the adopted Carmarthenshire Local Development Plan (2014) in that:

- The visibility splays required to serve the development are outside the control of the applicant and cannot therefore be secured for the lifetime of the development.
- The applicant has failed to demonstrate that the 2.4 x 120 metre splays required to serve the development can be achieved notwithstanding the vertical gradient and horizontal alignment of the county road.
- The development would lead to increased pedestrian movements along a section of road with no pedestrian facilities.
- The development would cause additional crossing movements by pedestrians.

<b>Application No</b>	<b>PL/05060</b>
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<b>Application Type</b>	Outline planning consent - all matters reserved
<b>Proposal</b>	New dwelling with garage/outbuilding
<b>Location</b>	Land part of Clyttie Cochion, Llanpumsaint, Carmarthen, SA33 6JT

<b>Applicant(s)</b>	Vuyani & Lydia Makhanya
<b>Agent</b>	John Davis Architectural Services - John Davis
<b>Officer</b>	Charlotte Ford
<b>Ward</b>	Cynwyl Elfed
<b>Date of validation</b>	30/11/2022

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Bryan Davies, Local Member for the Cynwyl Elfed Ward.

## Site

The application site comprises part of an agricultural field situated off the unclassified road U5555. The application site is located some 1.8km north of the development limits of Llanpumsaint 2.4km south west of Alltwalis.

The site itself comprises the northern corner of an agricultural field with a frontage onto the unclassified road. The remainder of the agricultural field, within which the application site is located, is currently delineated by hedgerow and trees. The area surrounding the application site is characterised by scattered farmsteads and dwellings with no defined settlement in close proximity.

## Proposal

The application seeks outline consent (all matters reserved) for a new dwelling with detached garage/outbuilding. The submitted information and block plan indicates the

following scale parameters for the proposed new dwelling; length 12m-14m, width 8-8.5m, height 7-7.4m. The proposed parameters for the outbuilding/garage are as follows; length 5.5m-7m, width 4-6m, height 4.2-5m.

Whilst the application has been submitted as a new dwelling and garage, a supporting statement has been submitted outlining the rational for the proposal and information relating to the personal circumstances of the applicant that would suggest that they are seeking a local needs dwelling. It is noted the applicant was born and raised in Llanpumsaint. However, it has been stated the applicant and their partner have been unable to secure a dwelling within Llanpumsaint with land given their financial means and is the reason for this application on land which is already in their possession. The personal statement also outlines the future plans of the site with the applicant wishing to develop the land in the hope of becoming self sufficient and enhancing the natural environment which is more akin to a One Planet development lifestyle, however none of the information required in support of such an application has been submitted.

## Planning Site History

There is no relevant planning history for the application site.

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

## Summary of Consultation Responses

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

**Llanpumsaint Community Council** - No objection.

- Application should be welcomed as an opportunity to enable someone born and raised in the village to continue to live here with her young family. They have a nature-friendly proposal for developing the adjacent land, including vegetable growing, wildlife areas and some grazing land.
- The only minor concern raised was in relation to the proposal to create a Forest School at some time in the future. This may increase the traffic along a narrow country lane which is already in a poor condition and over-used, and requires improvements urgently to improve the traffic flow and the condition of the road.

**Local Member - Councillor B. Davies** - Supports the proposal. Requests that the application is referred to the Planning Committee for determination for the following reasons:-

- Lydia was born and lives in Llanpumsaint, they both work at Glangwili Hospital, Carmarthen as nurses and want to continue living and working in the locality.
- This location is ideal.
- I strongly believe that it is time for Carmarthenshire County Councils planning department and Planning Committee to consider favourably such applications even though they are not in the present LDP, however the present and future LDP would not be able to cater for such an adventurous development it has to be located in an area such as this application. Our local youngsters who want to live, support and look after our environment should be given full support and encouraged to develop their future plans in the area they have been brought up in. Also the County is not in the position to refuse Nurses the opportunity of staying local and having to move away. I have been born and bred in the Country myself and it is heart breaking to see locals not being allowed to develop on their home ground. We need to look after and support our Country born locals.

**Sustainable Drainage Approval Body (SAB)** – No objections to the proposal. Confirms that the site is not at flood risk and that separate drainage approval is required.

## Summary of Public Representations

The application was the subject of notification by way of a site notice erected 05/12/2022 and was in situ for a period of 21 days. 1 third-party representations have been received at the time of writing this report objecting to the proposal citing concerns which can be summarised as follows:

- noise, disturbance, overlooking, and loss of privacy.

## Appraisal

### Principle of the development

The site is located in the countryside where there is a presumption against new residential development, the Authority will not set aside normal countryside protection policies lightly. However, limited development can occur in very exceptional circumstances where there is clear, compelling and robust evidence-based justification in its support.

Having regard for the information submitted the application has been assessed against the Council's local needs policies (namely Policy AH3). However, it is noted that the supporting statement references proposals which are akin to a One Planet Development proposal. The proposed development is not supported by sufficient information to demonstrate that the development would meet the One Planet Development criteria and as such does not comply with Policy Wales Edition 11 (2021) Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) and the accompanying One Planet Development Practice Guidance (2012). In light of this, Policy AH3 provides the criterion against which such applications must be considered which 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."*

In terms of the need to demonstrate genuine local need, it is considered that the applicant has provided insufficient information to demonstrate that they meet the definition. The supporting statement outlines that the applicant has always lived in Llanpumsaint with her partner joining her later and them starting a family. The statement expresses due to their financial means they have not been able to buy a house with land and thus the applicants wish to build an affordable home on land that is already in their possession. However, the statements are not supported by sufficient details to support their claims and no details of the searches or the type of properties the applicant has looked in to previously have been submitted in support of this application. The applicant has set out that they wish to lead a



more self sufficient lifestyle and include various proposals including the introduction of livestock to meet their food needs, creation of wildflower meadows to include beehives and possible creation of a forest school. This is presented as a means of justifying the location of the site, however, such proposals are more akin to a one planet development and no detailed information as is required for such proposals have been submitted. Therefore, at present it is not considered that there is sufficient information supplied to enable the Authority to conclude that the applicants meet the definition of a genuine local need in accordance with the above policy.

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 site is remotely located along a country road that is not associated with any defined settlement limits. The dwelling would be situated within an agricultural field with no adjoining or neighbouring residential properties. Whilst there are scattered properties within the wider area, they are dispersed in a fragmented pattern a significant distance away from each other. The location therefore cannot be described as settlement, hamlet or group of dwellings as required by the LDP policy and is rather physically and visually remote from any nearby residential properties. A dwelling in this location would appear as a sporadic, isolated and incongruous addition in the countryside to the detriment of the character and appearance of the area. As such, the locational characteristics of the site fail to meet with the policy requirements of Policy AH3 of the LDP.

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. 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. Whilst the Authority applies flexibility to these standards in terms of local needs it remains that the overall scale needs to have regard to these standards to ensure that it remains affordable in perpetuity. The proposed dwelling included in this outline application significantly exceeds this standard for a dwelling being a minimum of 192sqm and a possible maximum of 238sqm as suggested by the scale parameters given. Moreover, it is also noted that the proposal also includes the erection of a garage/outbuilding with a minimum proposed floorspace of 22sqm and a maximum 42sqm, this is substantially more than the floorspace standards set by Welsh Government. No supporting information regarding the estimated build budget, land value or professional fees have been submitted as part of this application. The scale of the dwelling is therefore not considered to be compatible with an affordable dwelling and therefore fails against criterion (d) of Policy AH3 of the LDP.

With regards criterion (c) if the property were considered to be classed as affordable, this affordability 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 fundamental policy objections to the development as outlined above. Such restrictions in respect of the long term affordability of the property are suggested to refer to the Affordable Housing Pricing Schedule, which is reviewed and published annually. It is expected that that

future sales should be at the affordable price at the time of sale, with sales being restricted to persons eligible for affordable housing in accordance with the Council's criteria at that time, or to a social housing provider. However, given the scale of the proposed dwelling such restrictions would not appear realistic and further supports the view that the scale of the dwelling is not compatible with an affordable property and unlikely to be manageable for those on low incomes. Whilst legal agreements are used to ensure properties are kept as affordable units of accommodation, it would not be appropriate to do so if, from the outset, the dwelling under consideration far exceeds what could be afforded by subsequent and qualifying occupants. A legal agreement under such circumstances would be at significant risk of challenge on the basis that it can no longer fulfil its purpose, with the resultant effect being the establishment of private market dwelling in the countryside. This would be at odds to the fundamental planning principle of protecting the countryside from inappropriate development.

In conclusion therefore, it is considered that the proposal fails to meet the policy requirements of Policy AH3 of the LDP and the advice set out in Planning Policy Wales and would result in an unjustified, isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area.

#### Impact upon highway safety

Whilst access is not a matter for consideration at the outline stage. The Highways Authority do not object to the proposal subject to the attachment of recommended conditions.

#### Landscaping

Whilst landscaping is not a matter for consideration at the outline stage. The Landscaping officer does not object to the proposal subject to the attachment of recommended conditions ensuring the following information is submitted; Retention of existing landscape elements on site, Submission of a Landscape Constraint Plan and Submission of a Landscape Design Scheme.

#### Ecology

The site appears to consist of semi improved grassland and hedgerows with woodland and a watercourse nearby. As such, there is a requirement for additional information to be submitted to the Local Planning Authority for assessment as the development could result in; habitat loss, fragmentation and/or modification, disturbance/displacement of species. Insufficient information has been provided with the application to demonstrate that the proposed development would not have an adverse impact on protected species or biodiversity interests at the site.

## **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 has not been sufficiently justified and represents an isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area which fails to comply with the requirements of a local needs dwelling by reason of its siting and is therefore contrary with the policy objectives of AH3 of the Local Development Plan. Moreover, insufficient information has been provided with the application to demonstrate that the proposed development would not have an adverse impact on protected species or biodiversity interests at the site and is therefore contrary with the policy objectives of GP1 and EQ4 of the Local Development Plan. In light of this, it is recommended that planning permission be refused.

### RECOMMENDATION - Refusal

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### Reasons

#### Reason 1

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. By reason of being unable to demonstrate that it meets the strict requirements of One Planet Development policy, the proposal represents an inappropriate and unjustified development in the open countryside contrary to the requirements of paragraphs 4.2.38 – 4.2.39 of Planning Policy Wales Edition 11 (2021), Technical Advice Note 6 Planning For Sustainable Rural Communities (2010). Moreover, the proposal is also contrary to Policies SP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014) in that it has not been proven that the applicant (and their dependents) meet with the definition of genuine local need as set out in the LDP to justify the need for a new dwelling in the countryside.

#### Reason 2

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The proposed site is not within a settlement, hamlet or group of dwellings and does not represent a sensitive infill of an otherwise continuous built up frontage nor does it constitute a minor extension and as such development of the site would result in a sporadic, fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. Furthermore, the indicative scale of the dwelling and related residential curtilage are 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 3**

Insufficient information has been provided with the application to demonstrate that the proposed development would not have an adverse impact on protected species or biodiversity interests at the site contrary to Policy GP1 (Sustainability and High Quality Design) and EQ4 (Biodiversity) of the Carmarthenshire Local Development Plan adopted December 2014.

## Planning Committee 2<sup>nd</sup> February 2023

PLANNING SERVICE PERFORMANCE - QUARTER 3		
<b>Recommendations / key decisions required:</b> <ul style="list-style-type: none"> <li>To note core indicators and performance for Quarter 3 of 2022/23.</li> </ul>		
<b>Reasons:</b> <ul style="list-style-type: none"> <li>To provide information updating on the performance of aspects of the planning function of the Council.</li> <li>To reflect part of the ongoing response to the recommendations contained in the Wales Audit Office report</li> <li>To reflect the ongoing commitment to performance management and monitoring</li> </ul>		
Relevant scrutiny committee to be consulted NO		
Cabinet Decision Required NO Council Decision Required NO		
CABINET MEMBER PORTFOLIO HOLDER:- Cllr. Ann Davies		
<b>Directorate</b> Environment  <b>Name of Head of Service:</b> Rhodri Griffiths  <b>Report Author:</b> Ian Llewelyn	Designations:  Head of Place and Sustainability  Forward Planning Manager	Tel Nos. 01267 246270  E Mail Addresses: <a href="mailto:RGriffiths@sirgar.gov.uk">RGriffiths@sirgar.gov.uk</a>  01267 228816 <a href="mailto:IRLlewelyn@sirgar.gov.uk">IRLlewelyn@sirgar.gov.uk</a>

# **EXECUTIVE SUMMARY**

## **Planning Committee – 2nd February 2023**

### **Planning Service Performance – Quarter 3**

#### **1. SUMMARY OF PURPOSE OF REPORT.**

To provide planning committee members with a Quarterly reports and subsequent end of year reports on the performance recorded within the Planning Service and notably Development Management and Enforcement. It should be noted that this report is presented as part of the commitment to Performance Monitoring and as part of an ongoing commitment to report to Planning Committee.

The core indicators set out in the report will form part of our quarterly performance reporting for the Division.

This report details the performance for Quarter 3 for the period between October and December 2022. It also contains includes the comparative quarterly data for previous quarters and 2021/22.

#### **2. Performance Indicators**

The report identifies an extensive set of core performance monitoring indicators which will form part of the future monitoring of the planning services performance. These include both “National Indicators” and those identified by this Council.

The indicators seek to clearly convey performance to the committee and will along with other performance measures see a continued focus on performance improvement. The indicators reflect and include a range of areas of the planning service including determination of planning applications, enforcement, pre-applications and appeals.

The identified core performance indicators and the performance outcomes are set out in the appended report:

<b>DETAILED REPORT ATTACHED?</b>	<b>YES</b>
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## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **R Griffiths**

Head of Place and Sustainability

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>

### 3. Finance

Planning performance has the potential for significant financial implications in the event that the determination of applications are over time or an extension of time has not been negotiated then if requested, the planning fee is returned.

The financial impacts arising from decision making and in particular costs awarded at appeal are noted. The report details costs noting that they derive from refusals against officer recommendations.

### 5. Risk Management Issues

The report reflects the commitment to service improvement as a result of the Wales Audit report into the Planning Service. There is a corporate recognition of performance risks associated with failure to act on the recommendations of the report.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: R Griffiths

Head of Place and Sustainability

**1. Scrutiny Committee**

N/A

**2. Local Member(s)**

N/A

**3. Community / Town Council**

N/A

**4. Relevant Partners**

N/A

**5. Staff Side Representatives and other Organisations**

N/A

**CABINET PORTFOLIO HOLDER(S)  
AWARE/CONSULTED**

Yes

Portfolio holder briefed.

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

<b>Title of Document</b>	<b>File Ref No.</b>	<b>Locations that the papers are available for public inspection</b>

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# **Planning Performance Monitoring - Core Indicators Reporting to Planning Committee**

## **Quarter 3 – October to December 2022**

### **1. PURPOSE OF REPORT.**

To provide planning committee members with a Quarterly updates and end of year reports on the performance recorded within the Planning Service and notably Development Management and Enforcement.

It should be noted that this report is presented as part of the commitment to Performance Monitoring and as part of an ongoing commitment to report to Planning Committee.

The core indicators set out in the report will form part of our quarterly performance reporting for the Division.

This report details the performance for Quarters 3 for the period between October and December 2022. It also contains includes the comparative quarterly data for 2021/22.

### **2. Summary of Performance**

The report presents the latest update of the suite of performance indicators for the 3<sup>rd</sup> quarter period between October and December 2022 for the planning division. It includes headline performance indicators reported nationally to Welsh Government are Indicators 2 and 10 as well as series of local indicators.

At the end of the financial year 2021/2022 annual Planning performance standards set by the Welsh Government were exceeded for the first time. This performance improvement has been maintained into quarters 1 and 2 with PAM/018 Percentage of all planning applications determined in time indicating 91% and 87% for the quarters 1 and 2 respectively (WG target 80%). This trend was continued with 91% in quarter 3. This indicates that performance has continued to outperform the targets set by the Welsh Government.

Of the local performance indicators, they indicate a continued improvement maintaining and developing on the progress in performance from 2021/22.

Performance Indicator 14 for enforcement shows a consolidation of the improvements over 2021/22 with 70% of cases investigated within the 84-day target date during quarter 3.

### **3. Performance Indicators**

The report identifies an extensive set of core performance monitoring indicators which will form part of the future monitoring of the planning services performance. These include both “National Indicators” prescribed by the Welsh Government and those identified by this Council.

The indicators seek to clearly convey performance to the committee and will along with other performance measures see a continued focus on performance improvement. The

indicators reflect and include a range of areas of the planning service including determination of planning applications, enforcement, pre-applications and appeals.

Performance Statistics Development Management - Planning Applications	
<b>Indicator 1</b>	Number of Planning Applications registered against applications determined
<b>Indicator 2</b>	Percentage of all planning applications determined within target date (PAM/018 indicator collected nationally)
<b>Indicator 3</b>	Major Planning Applications determined within target date
<b>Indicator 4</b>	Minor Planning Applications determined within target date
<b>Indicator 5</b>	Householder Applications determined within target date
<b>Indicator 6</b>	Other Applications determined within target date
<b>Indicator 7</b>	Statutory Pre-Applications determined within target date
<b>Indicator 8</b>	Percentage of Member made decisions against Officer advice
<b>Indicator 9</b>	Validation of Applications Received (5 days of receipt)
Performance Statistics Development Management - Appeals	
<b>Indicator 10</b>	Percentage of planning appeals dismissed (PAM/019 indicator collected nationally)
<b>Indicator 11</b>	Appeals determined against officer recommendation
<b>Indicator 12</b>	Applications for costs at Section 78 appeal upheld
Performance Statistics Development Management - Enforcement	
<b>Indicator 13</b>	Enforcement Complaints registered
<b>Indicator 14</b>	Percentage of closed enforcement cases investigated within 84 days.
<b>Indicator 15</b>	Average time taken to investigate enforcement cases

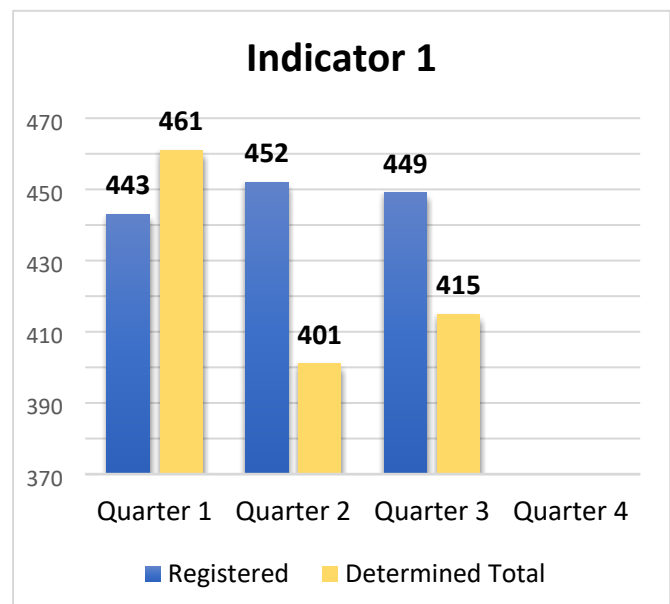
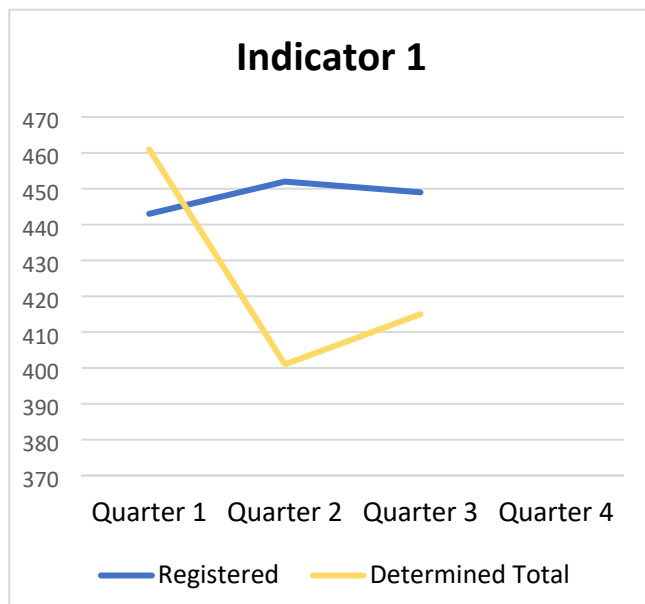
## Performance Statistics Development Management - Planning Applications

### Indicator 1

Number of Planning Applications registered against applications determined

This indicator contains ***all*** planning application types and compares the number determined against those registered per month.

Period	Registered Total	Determined Total
<b>21/22</b>		
Quarter 1	507	631
Quarter 2	554	617
Quarter 3	496	580
Quarter 4	464	459
<i>Cumulative</i>	2021	2287
<b>22/23</b>		
Quarter 1	443	461
Quarter 2	452	401
Quarter 3	449	415
Quarter 4		
<i>Cumulative</i>		



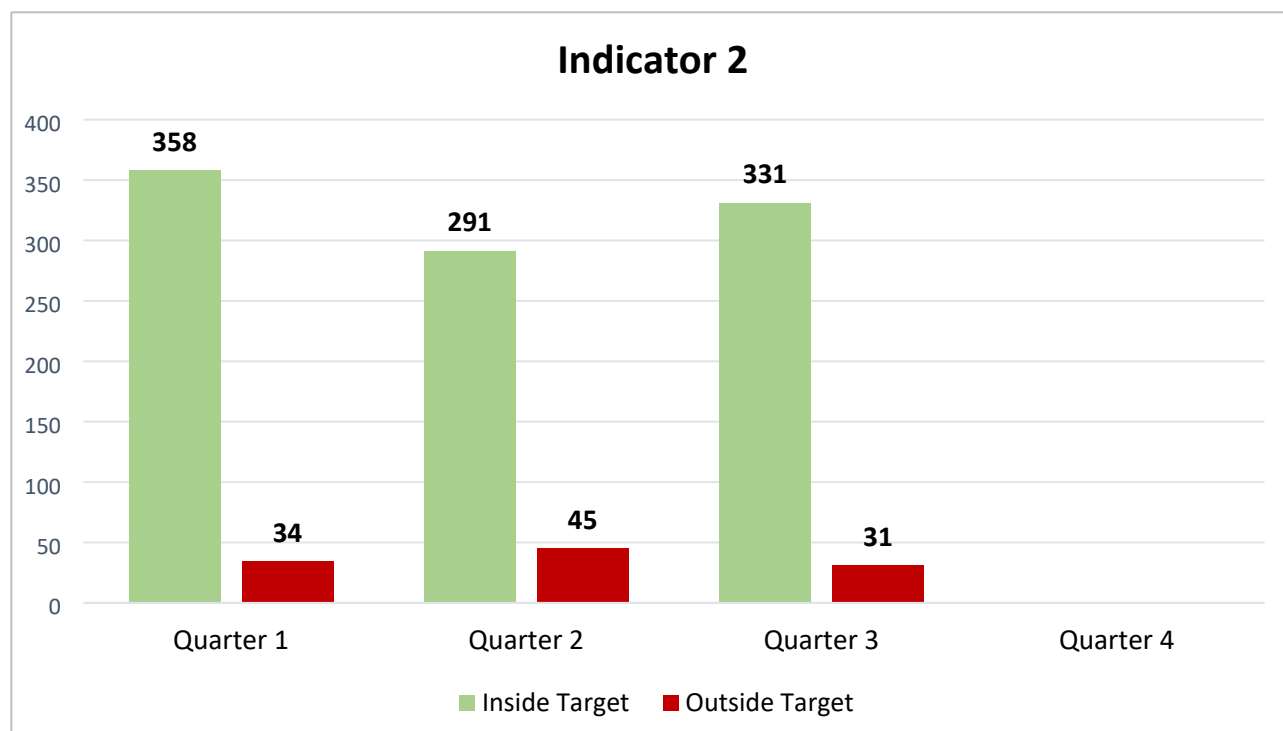
**Indicator 2**

**Percentage of ALL planning applications determined within target date (PAM/018 indicator collected nationally) - Target = 85%**

The indicator measures the number and percentage of applications determined within the target time. (The totals exclude certain application types as directed by Welsh Government.)

It should be noted that our performance target for 2020/21 was for 70% to be determined within the target date (8 weeks). For 2021/22 and 2022/23 the target was increased to 85% to reflect the focus being given to improved performance.

Period	Total No of Apps	Inside Target	Outside Target	Inside Target %	Outside Target %
<b>21/22</b>					
Quarter 1	525	378	147	72%	28%
Quarter 2	510	421	89	83%	17%
Quarter 3	494	421	73	85%	15%
Quarter 4	371	316	55	85%	15%
<i>Cumulative</i>	1900	1536	364	81%	19%
<b>22/23</b>					
Quarter 1	392	358	34	91%	9%
Quarter 2	336	291	45	87%	13%
Quarter 3	362	331	31	91%	9%
Quarter 4					
<i>Cumulative</i>					



*Applications excluded from the Welsh Government Development Management Quarterly Survey:-*

Hazardous Substances, LDO – Commencement Notice Approval, Applications for Tree Works to TPO or in Conservation Areas, Prior Notifications, Non-Material Amendments, Demolition in a Conservation Area, Hedgerow Removal Notices, Electricity Notifications.

**Indicator 3**

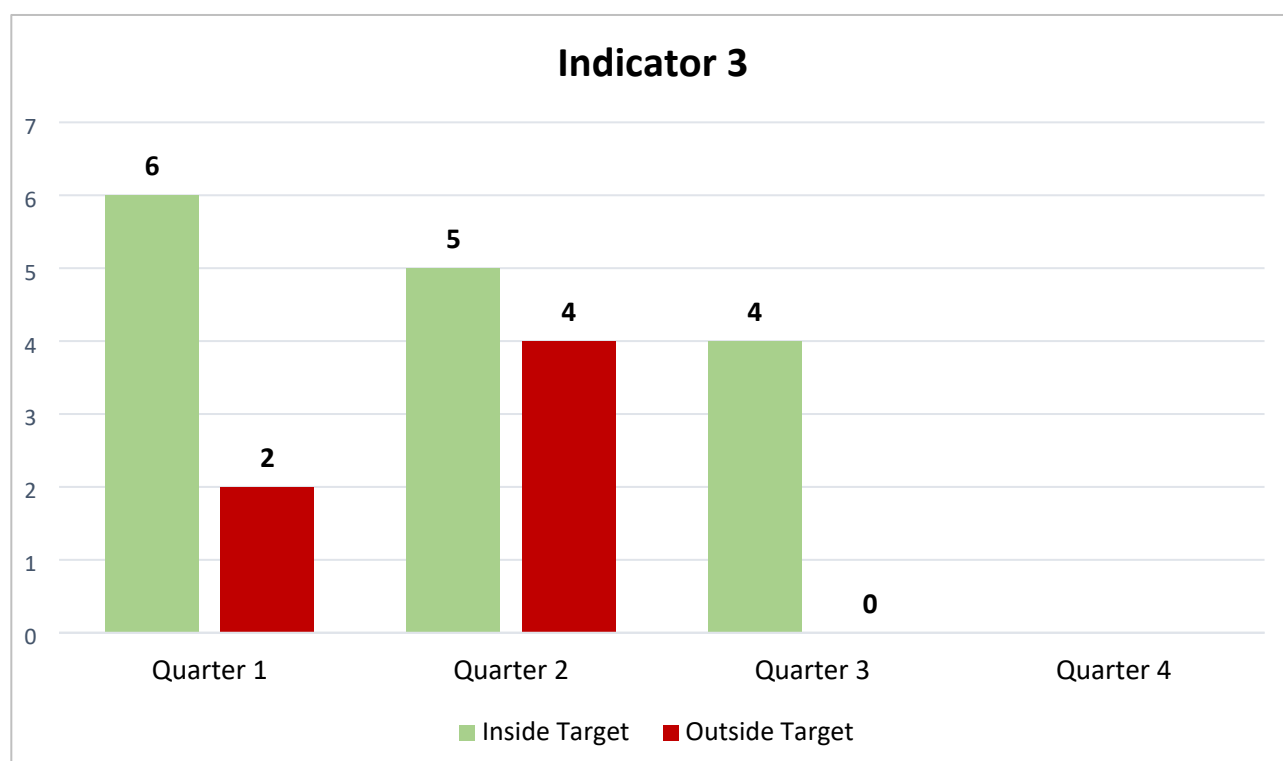
Major Planning Applications determined within target date.  
**Target = 80%**

The indicator measures the number and percentage of major planning applications determined within the target time.

**Major Applications definition:-**

- a proposal to erect 10 or more dwellings (including flats)
- where the number of dwellings is not known (outline), the application site exceeds 0.5 hectares
- where the application site exceeds 1 hectare
- where proposed buildings/extensions create a floor area exceeding 1000 square metres
- winning and working of minerals
- waste development

Period	Total No of Apps	Inside Target	Outside Target	Inside Target %	Outside Target %
<b>21/22</b>					
Quarter 1	9	6	3	67%	33%
Quarter 2	15	6	9	40%	60%
Quarter 3	15	9	6	60%	40%
Quarter 4	9	5	4	56%	44%
<i>Cumulative</i>	48	26	22	54%	46%
<b>22/23</b>					
Quarter 1	8	6	2	75%	25%
Quarter 2	9	5	4	56%	44%
Quarter 3	4	4	0	100%	0%
Quarter 4					
<i>Cumulative</i>					



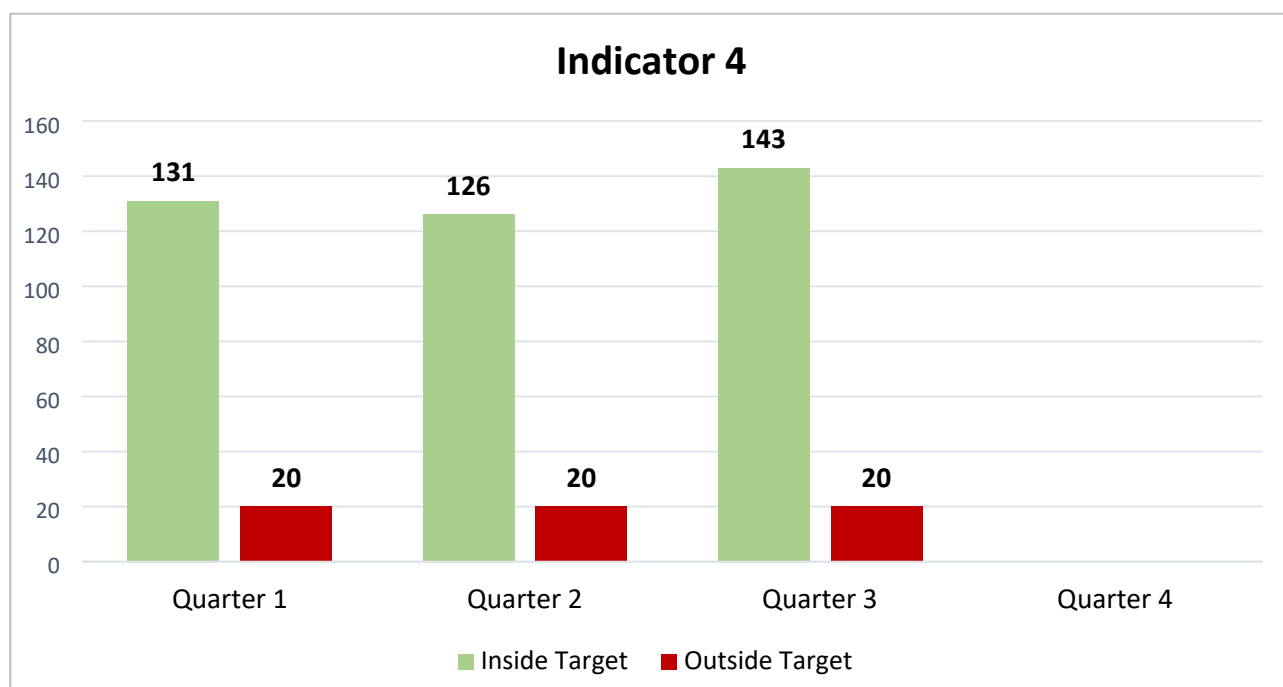
**Indicator 4**

Minor Planning Applications determined within target date  
**Target = 80%**

The indicator measures the number and percentage of Minor applications determined within the target time.

Minor planning applications include applications where they fall below the level of a major application but exclude householder and other applications captured under Indicators 5 and 6 below.

Period	Total No of Apps	Inside Target	Outside Target	Inside Target %	Outside Target %
<b>21/22</b>					
Quarter 1	201	137	64	68%	32%
Quarter 2	216	164	52	76%	24%
Quarter 3	217	181	36	83%	17%
Quarter 4	151	124	27	82%	18%
<i>Cumulative</i>	785	606	179	77%	23%
<b>22/23</b>					
Quarter 1	151	131	20	87%	13%
Quarter 2	146	126	20	86%	14%
Quarter 3	163	143	20	88%	12%
Quarter 4					
<i>Cumulative</i>					



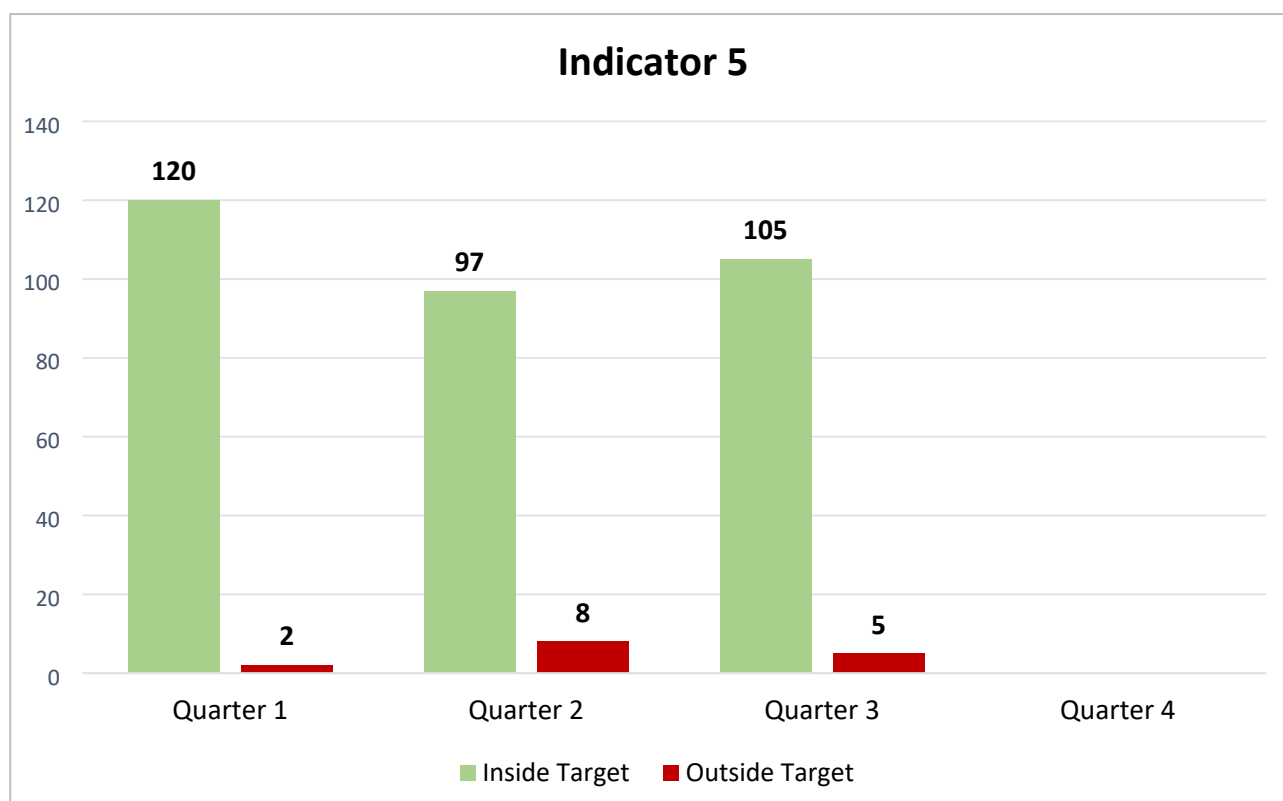
**Indicator 5**

Householder Applications determined within target date  
**Target = 90%**

The indicator measures the number and percentage of householder applications determined within the target time.

Householder applications include: Extensions, Conservatories, Loft conversions, Dormer windows, Garages, car ports, and Outbuildings

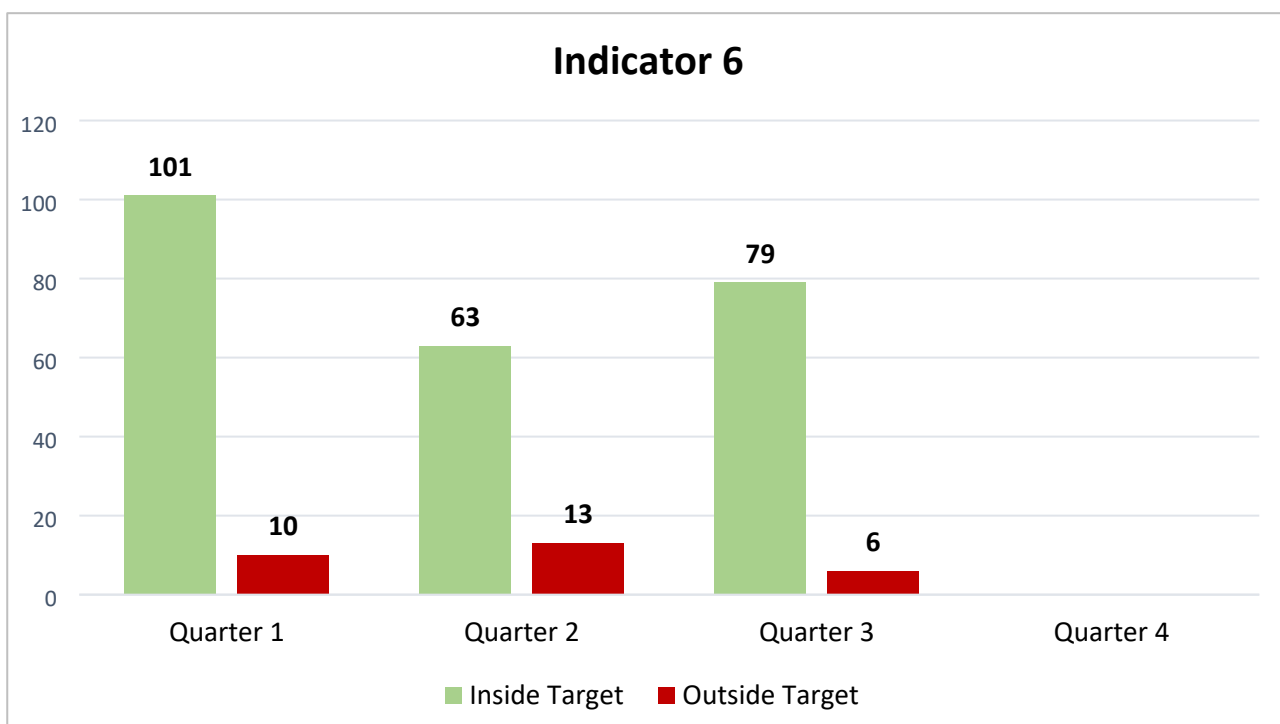
Period	Total No of Apps	Inside Target	Outside Target	Inside Target %	Outside Target %
<b>20/21</b>					
Quarter 1	48	40	8	83%	17%
Quarter 2	115	68	47	59%	41%
Quarter 3	171	127	44	74%	26%
Quarter 4	98	50	48	51%	49%
<i>Cumulative</i>	432	285	147	66%	34%
<b>22/23</b>					
Quarter 1	122	120	2	98%	2%
Quarter 2	105	97	8	92%	8%
Quarter 3	110	105	5	95%	5%
Quarter 4					
<i>Cumulative</i>					



<b>Indicator 6</b>	Other Applications determined within target date <b>Target = 80%</b>
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Application types included: Advertisement Consent, Listed Building Consent, Certificates of Lawfulness, Renewals, Removal / Variation on Condition(s)

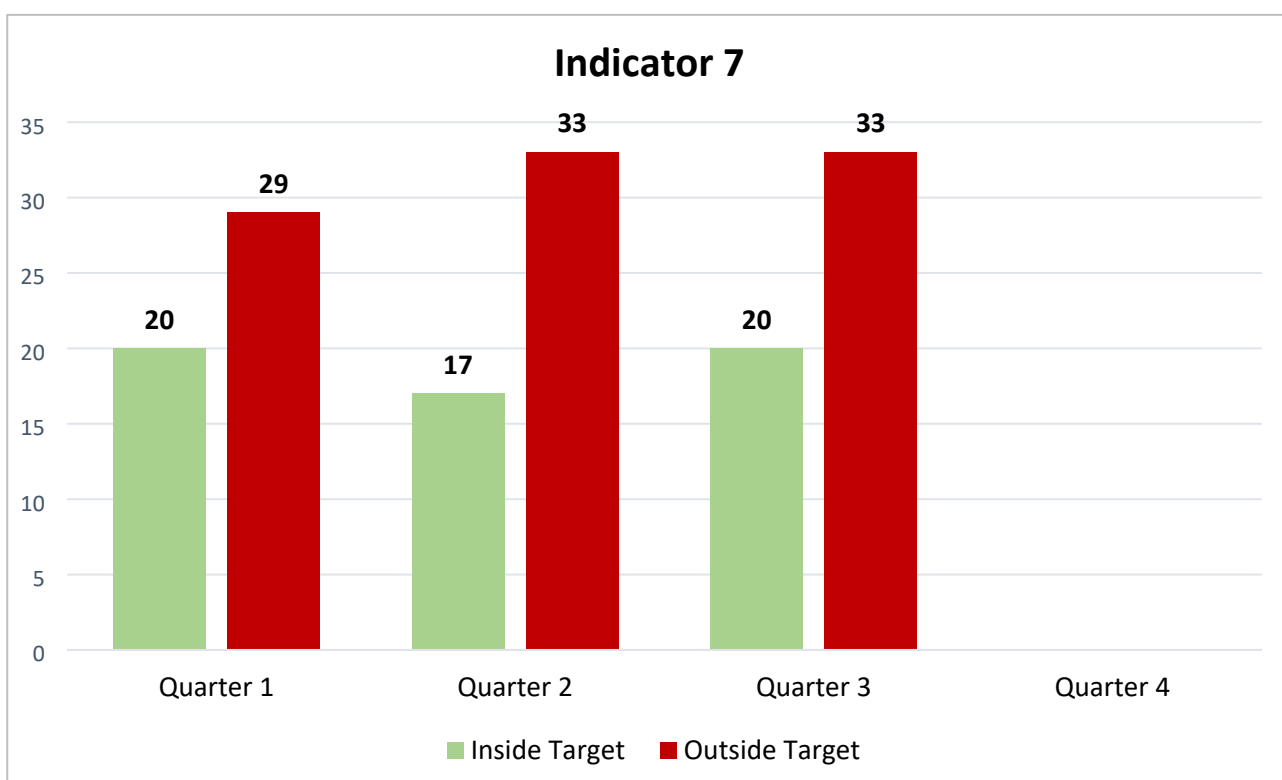
Period	Total No of Apps	Inside Target	Outside Target	Inside Target %	Outside Target %
<b>21/22</b>					
Quarter 1	102	64	38	63%	37%
Quarter 2	116	95	21	82%	18%
Quarter 3	118	93	25	79%	21%
Quarter 4	92	74	18	80%	20%
<i>Cumulative</i>	428	326	102	76%	24%
<b>22/23</b>					
Quarter 1	111	101	10	91%	9%
Quarter 2	76	63	13	83%	17%
Quarter 3	85	79	6	93%	7%
Quarter 4					
<i>Cumulative</i>					





<b>Indicator 7</b>	Statutory Pre-Applications determined within target date <b>Target = 85%</b>
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Period	Total No of Apps	Inside Target	Outside Target	Inside Target %	Outside Target %
<b>21/22</b>					
Quarter 1	48	13	35	27%	73%
Quarter 2	67	25	42	37%	63%
Quarter 3	45	17	28	38%	62%
Quarter 4	55	24	31	44%	56%
<i>Cumulative</i>	215	79	136	37%	63%
<b>22/23</b>					
Quarter 1	49	20	29	41%	59%
Quarter 2	50	17	33	34%	66%
Quarter 3	53	20	33	38%	62%
Quarter 4					
<i>Cumulative</i>					



<b>Indicator 8</b>	Percentage of Member made decisions against Officer advice
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The indicator identifies those applications determined contrary to the officer's recommendation at Planning Committee.

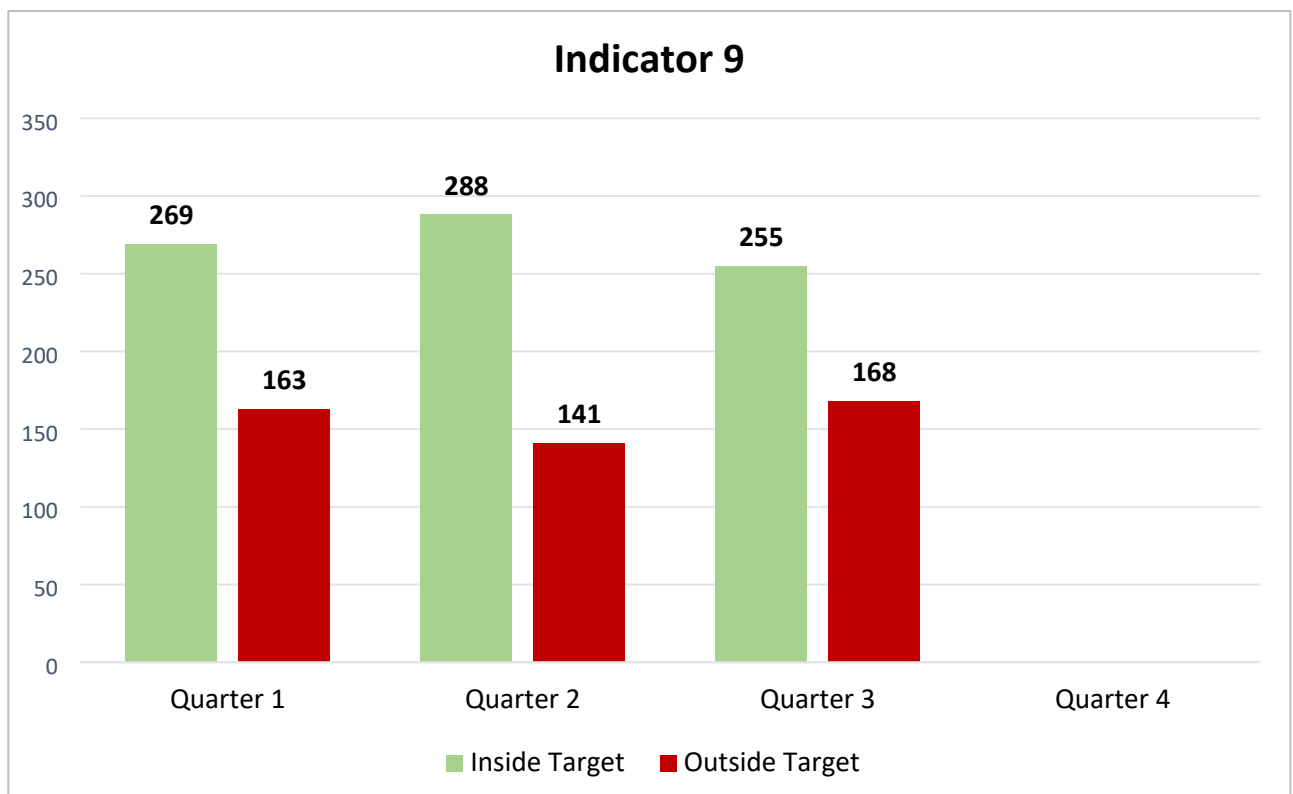
Note: Based on the Decision Sent Date not the actual date of the Planning Committee.

Period	Total No	Granted following officer recommendation to Refuse	Refused following officer recommendation to Approve
<b>21/22</b>			
Quarter 1	2	2 (E/39091 + W/36131)	0
Quarter 2	2	2 (W/40035 + PL/01932)	0
Quarter 3	4	3 ( <a href="#">W/40030</a> , <a href="#">W/37164</a> , <a href="#">PL/01515</a> )	1 ( <a href="#">PL/00489</a> )
Quarter 4	0	0	0
<b>22/23</b>			
Quarter 1	0	0	0
Quarter 2	0	0	0
Quarter 3	1	1 ( <a href="#">PL/4526</a> )	0
Quarter 4			

<b>Indicator 9</b>	Validation of Planning Applications (within 5 days of receipt following payment). <b>Target = 100%</b>
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Note: The collection of data in monitoring performance in relation to validation has been subject to revision - consequently this represents the first set of monitoring outcomes with ongoing performance and trends to be monitored.

Period	Total No of Apps	Inside Target	Outside Target	Inside Target %	Outside Target %
<b>22/23</b>					
Quarter 1	432	269	163	62	38
Quarter 2	429	288	141	67	33
Quarter 3	423	255	168	60	40
Quarter 4					
<i>Cumulative</i>					



## Performance Statistics Development Management - Appeals

### Indicator 10

Percentage of planning appeals dismissed  
(PAM/019 indicator collected nationally). **Target = 70%**

Period	Total No of Appeals	Total Dismissed	Total % Dismissed
<b>21/22</b>			
Quarter 1	4	4	100%
Quarter 2	7	4	57%
Quarter 3	1	1	100%
Quarter 4	5	4	80%
<i>Cumulative</i>	17	13	76%
<b>22/23</b>			
Quarter 1	6	3	50%
Quarter 2	9	7	78%
Quarter 3	14	12	86%
Quarter 4			
<i>Cumulative</i>			

<b>Indicator 11</b>	Appeals determined against officer recommendation
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Identifies the outcome of appeals lodged where they are because of a decision taken contrary to an officer recommendation.

<b>Period</b>	<b>Total No of Appeals</b>	<b>Granted following officer recommendation to Refuse</b>	<b>Refused following officer recommendation to Approve</b>
<b>21/22</b>			
Quarter 1	0	-	-
Quarter 2	0	-	-
Quarter 3	0	-	-
Quarter 4	0	-	-
<b>22/23</b>			
Quarter 1	0	-	-
Quarter 2	0	-	-
Quarter 3	0	-	-
Quarter 4			

<b>Indicator 12</b>	Applications for costs at Section 78 appeal upheld
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Award of costs against the Local Planning Authority Quarter 1 and 2 - 0

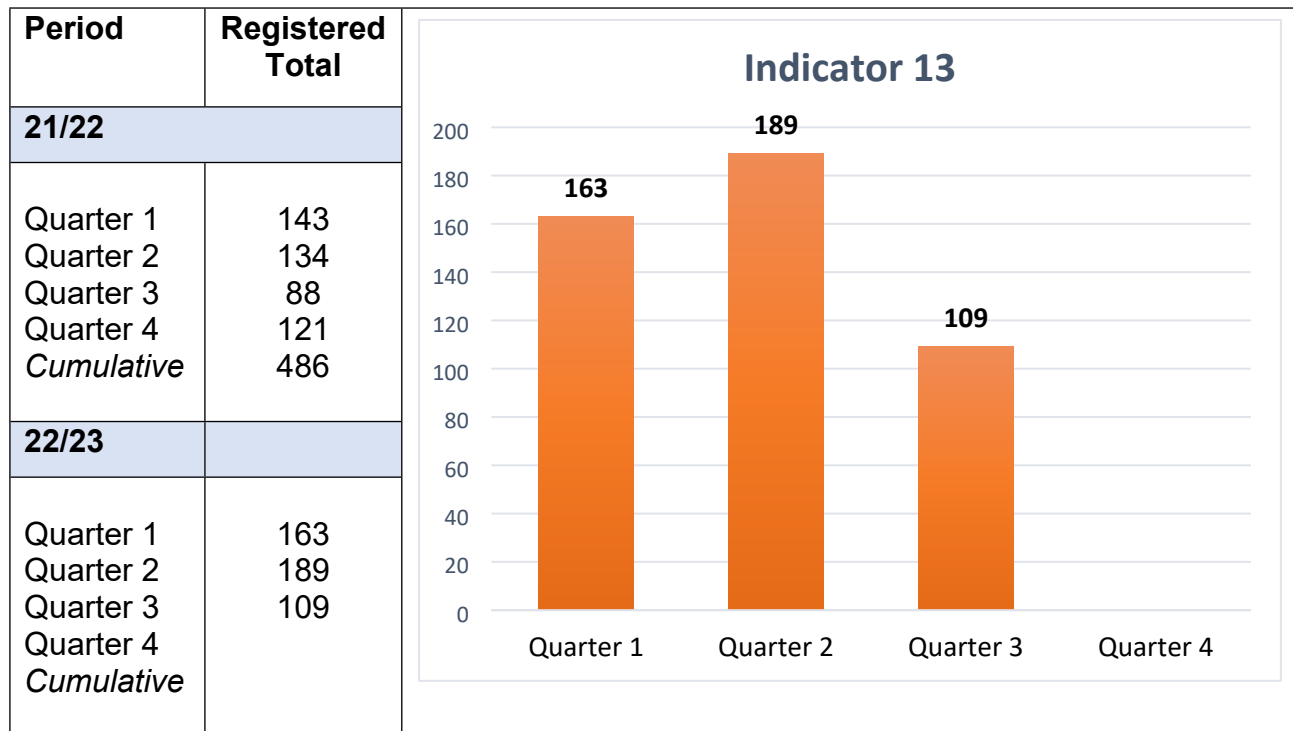
Note:

Members are reminded in reaching a decision of the requirements under the 'Code of Conduct for Councillors and Officers in Planning Matters' and to be aware of the implications including financial of that decision.

## Performance Statistics Development Management - Enforcement

### Indicator 13 Enforcement Complaints registered

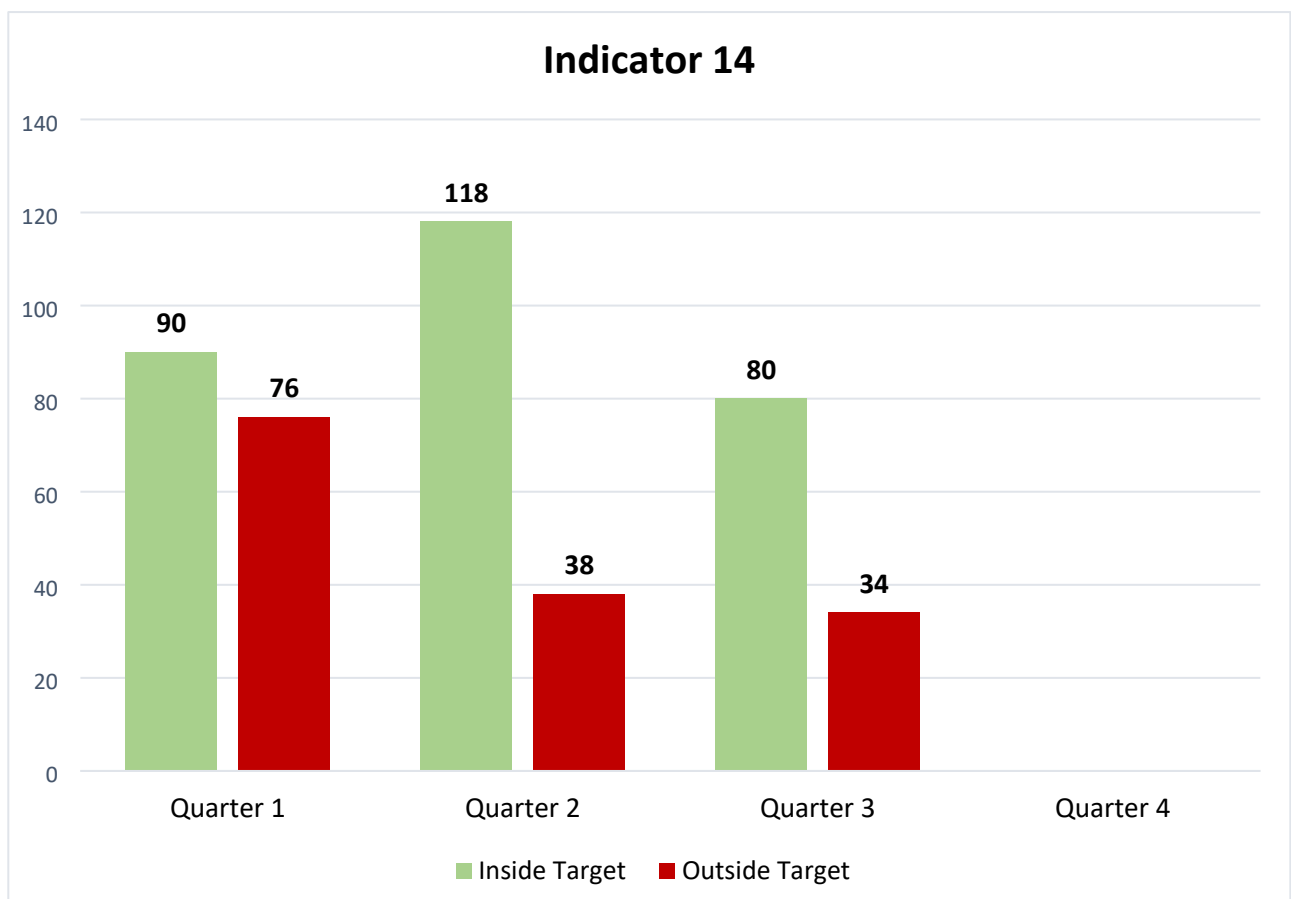
Identifies the quarterly number of enforcement complaints registered.



<b>Indicator 14</b>	Percentage of closed enforcement cases investigated within 84 days. <b>Target = 80%</b>
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Note: 'Investigated' means that the authority has considered the alleged breach of planning control and advised the complainant of the outcome of their investigation.

Period	Total No of Cases	Inside Target	Outside Target	Inside Target %	Outside Target %
<b>21/22</b>					
Quarter 1	90	61	29	68%	32%
Quarter 2	189	80	109	42%	58%
Quarter 3	189	47	142	25%	75%
Quarter 4	348	105	243	30%	70%
<i>Cumulative</i>	816	293	523	36%	64%
<b>22/23</b>					
Quarter 1	166	90	76	54%	46%
Quarter 2	156	118	38	76%	24%
Quarter 3	114	80	34	70%	30%
Quarter 4					
<i>Cumulative</i>					

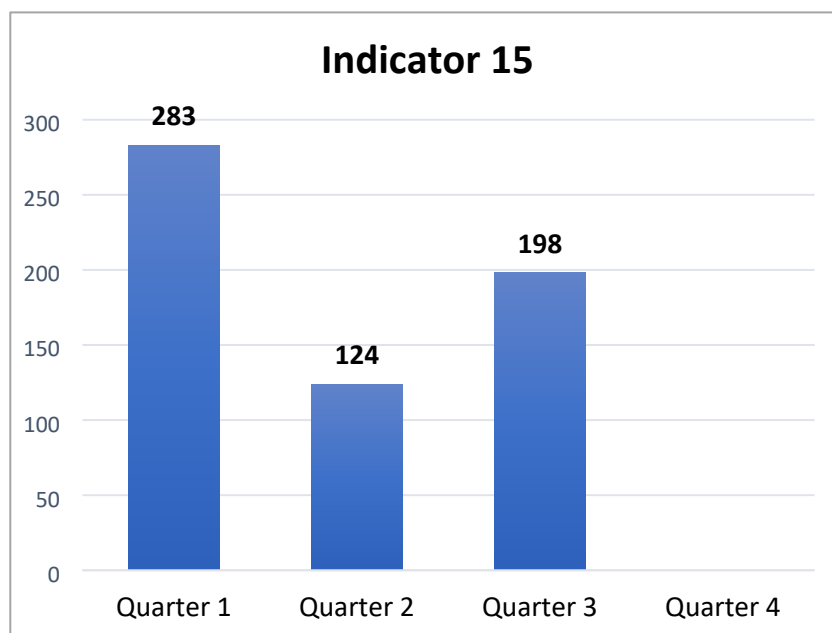


**Indicator 15**

Average time taken to investigate enforcement cases (in days).

**Target = 100 days**

Period	Average no of days
<b>21/22</b>	
Quarter 1	135
Quarter 2	412
Quarter 3	673
Quarter 4	414
<b>22/23</b>	
Quarter 1	283
Quarter 2	124
Quarter 3	198
Quarter 4	





**THURSDAY, 8 DECEMBER 2022**

**PRESENT:** Councillor W.T. Evans (Chair)(In Person)

**Councillors (In Person):**

S.M. Allen	P. Cooper	J.K. Howell	A.C. Jones
B.D.J. Phillips	E. Skinner	G.B. Thomas	

**Councillors (Virtually):**

J.M. Charles	T. Davies	M. Donoghue	N. Evans
J.D. James	J.P. Jenkins	M.J.A. Lewis	D. Owen
R. Sparks	M. Thomas	D.E. Williams	

**Also in attendance (In person):**

Councillor A. Vaughan Owen who addressed the Committee in respect of Planning Application PL/04317

**Also in attendance (Virtually):**

Councillor D. Price who addressed the Committee in respect of Planning Application PL/04317

**Also Present (In Person):**

J. Thomas, Senior Development Management Officer [Aman Gwendraeth]  
 S. Murphy, Senior Solicitor  
 S. Rees, Simultaneous Translator  
 K. Thomas, Democratic Services Officer

**Also Present (Virtually):**

R. Griffiths, Head of Place and Sustainability  
 I.R. Llewelyn, Forward Planning Manager  
 H. Rice, Senior Development Management Officer  
 M.S. Davies, Democratic Services Officer

**Chamber - County Hall, Carmarthen. SA31 1JP and remotely - 10.00 am - 12.30 pm**

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF PERSONAL INTERESTS**

Councillor	Minute Number	Nature of Interest
G.B. Thomas	3: PL/04317 – Local Need Dwelling at land adjacent Pen Rhos, Llanelli, SA14 7HA to	Owns land on which family could build homes on
C. A. Jones	3. PL/04868 – Construction of dwelling for local needs eligibility at Plas Newydd, Llangain,	The report suggests she had pre-determined the application

### 3. DETERMINATION OF PLANNING APPLICATIONS

#### 3.1 RESOLVED that the following planning applications be refused for the reasons detailed within the Report of the Head of Place and Sustainability:-

PL/04317	<p><b>Local need dwelling at Land adjacent to Pen Rhos, Llanelli, SA14 7HA</b></p> <p>(NOTE: During the discussion on this item Councillor G. B Thomas declared an interest on the basis he owned land on which his children, if they returned to the area, could apply to build homes on. He remained in the meeting but abstained from voting)</p> <p>Representations were received from the local members in support of the application replicating the submission detailed within the report of the Head of Place and Sustainability. Those included the applicant's personal circumstances and ties with the area, the applicant was unaware of the need to be on the councils' housing register, there were no suitable plots/dwellings for sale in the area, the need to retain young families in the rural areas, the applicant had stated the site was within a group of houses, there were other residential and commercial buildings in close proximity and there were other local needs applications which had been granted planning consent e.g W/36522 at Abernant where the approved dwelling was larger than currently proposed for the application site.</p> <p>The Senior Development Management Officer responded to the issues raised during consideration of the report.</p>
PL/04868	<p><b>Construction of dwelling for local needs eligibility at Plas Newydd, Llangain, Carmarthen, SA3 5AY</b></p> <p>(NOTE: Councillor C.A. Jones having previously declared an interest in this application, re-declared that interest and left the meeting during its consideration).</p>

### 4. PLANNING SERVICE PERFORMANCE - QUARTERS 1 AND 2

The Committee considered the Planning Service Performance Report, for Quarters 1 and 2 for the period 1<sup>st</sup> April 2022 to 30<sup>th</sup> September 2022 for the Planning Service and, notably, the Development Management and Enforcement Division. The report included core performance monitoring indicators together with comparative data in respect of 2021/22.

With regard to a question on indicator 3 and the number of major targets being determined outside the target date, the Forward Planning Manager advised they related primarily to historic planning applications, some of which would have been in the system for a considerable period. As the department worked through those outstanding applications, the figures would improve with time.

With regard to indicator 12 and the application for appeal costs, the Forward Planning Manager advised that the note detailed within the indicator relating to 2019 had been included in error and would be removed from future reports

The Forward Planning Manager, in response to a question, confirmed he would arrange for a report on the Quarter 3 figures to be presented to the Committee early in the new year

**UNANIMOUSLY RESOLVED that the report be received.**

**5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 10TH NOVEMBER 2022**

Reference was made to Planning Application PL/04526 and to a late submission received from Carmarthen Town Council, the contents of which had been read to the Committee. It was requested the minutes be amended to record the issue.

**UNANIMOUSLY RESOLVED that the minutes of the meeting of the Committee held on the 10<sup>th</sup> November, 2022 be signed as a correct record subject to the above.**

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**CHAIR**

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**DATE**

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