

# Document Pack



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**MONDAY, 11 DECEMBER 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 TUESDAY, 19TH DECEMBER, 2023** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Wendy Walters*

**CHIEF EXECUTIVE**

<b>Democratic Officer:</b>	<b>Janine Owen</b>
<b>Telephone (direct line):</b>	<b>01267 224030</b>
<b>E-Mail:</b>	<b>Democraticservices@carmarthenshire.gov.uk</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 – 21 MEMBERS**

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

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

### **LABOUR GROUP - 5 Members**

Cllr. Peter Cooper (Committee Member)  
Cllr. Michelle Donoghue (Committee Member)  
Cllr. Anthony Leyshon (Committee Member)  
Cllr. Edward Skinner (Committee Member)  
Cllr. Michael Thomas (Committee Member)

### **INDEPENDENT GROUP - 3 Members**

Cllr. Sue Allen (Committee Member)  
2 x Vacancy

### **UNAFFILIATED – 1 Member**

Cllr. John Jenkins (Committee Member)  
1 x Vacancy

# **A G E N D A**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF PERSONAL INTERESTS**
- 3. DETERMINATION OF PLANNING APPLICATIONS**

5 - 54

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**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

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

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

**19/12/2023**

**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>19/12/2023</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE</b>
<b>PL/03279</b>	<b>Demolition of the existing food store to facilitate residential redevelopment, together with associated vehicular and pedestrian accesses, car parking, amenity areas, cycle and bin stores, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure at Lidl Supermarket, Priory Street, Carmarthen, SA31 1LS</b>	<b>10</b>
<b>PL/04799</b>	<b>Relocation of existing vehicular / roadway automatic gateway and access control panel with associated fencing and removal of pedestrian gate at Land to the South of Nos 175 and 162, Pentre Nicklaus Village, Llanelli, SA15 2DF</b>	<b>22</b>
<b>PL/06289</b>	<b>Construction of 12 no. residential dwellings with associated infrastructure works at Land lying to the south of Parc Gitto, Llwynhendy, Llanelli, SA14 9LB</b>	<b>30</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>	<b>PAGE</b>
<b>PL/04027</b>	<b>Proposed Local needs 3/4 bed detached dwelling house, with 3 parking spaces, internal road, upgrading of existing field access and accompanying site works. These proposals will require a change use of agricultural land to C3 Dwelling house at Land opposite Sparrows Nest, Whitland, SA34 0LG</b>	<b>50</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**



<b>Application No</b>	<b>PL/03279</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Demolition of the existing food store to facilitate residential redevelopment, together with associated vehicular and pedestrian accesses, car parking, amenity areas, cycle and bin stores, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure
<b>Location</b>	Lidl Supermarket, Priory Street, Carmarthen, SA31 1LS

<b>Applicant(s)</b>	Wales & West Housing Association
<b>Agent</b>	Mr Mike Southall Avison Young
<b>Officer</b>	Gary Glenister
<b>Ward</b>	Carmarthen Town South
<b>Date of validation</b>	13/01/2022

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of ten objections from third parties and a request from one of the Local Members.

## Site

The application site is a 0.46Ha parcel of land within Carmarthen Town. The site currently has a building and car park formerly used by a discount retailer, however has been unused since the retailer relocated to a larger site elsewhere in Carmarthen.

The site is surrounded by residential development, with the former Infirmary site to the North East, flats and private houses to the South East and the listed vicarage to the South West.

The site has a frontage onto Priory street to the North West which is considered to be an important gateway into the town. From Priory Street, the proposal would be seen in the context of views of St Peters Church and the retained Infirmary building, both of which are Listed. The site is within the Conservation Area as recently amended, and close to the Roman amphitheatre, so is considered to be in a historically sensitive area.

Historically, the road frontage was developed so any archaeology will have been disturbed, however the rear of the site was a garage and more recently a retail store, so the ground has had large but relatively non intrusive development so the historic interest is likely to remain beneath the surface.

## Proposal

The application proposes the demolition of the former retail unit and it's replacement with 48 affordable apartments for the over 55s, along with car parking and bike store. The apartments are proposed to be arranged in a quadrangle with a split level landscaped communal garden in the middle. The original plan showed the central area as a bowling green, however this has been amended to a landscaped garden.

The design has been influenced by the Welsh Government place making design aspiration of creating linked blocks with external circulation so there is social interaction in the communal spaces. The proposal is largely 3 story in height, with part of the Priory Street frontage and a self contained block backing onto the vicarage two storey. A small section is four storey to accommodate a lower ground floor plant room.

There has been a considerable amount of negotiation with the applicant to achieve an acceptable Priory Street frontage so that the proposal would have an acceptable impact on the street scene and historic environment. The initial scheme which included balconies was considered unacceptable in context. The overall scale and height of the frontage units along with the rear units backing onto the Parade has been reduced to address the concerns raised by neighbours and the Built Heritage team.

Given the historic environment sensitivities, the applicant has carried out intrusive investigation and this has been documented with a detailed plan submitted to record any historic interests on site.

The application has been accompanied by a Bat Survey Report, Ecological Appraisal Report Geotechnical and Geoenvironmental Report and Historic Impact Report.

## Planning Site History

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

W/02720 - Single Storey Retail Store (Class A1 User) With Customer Car Parking And Provision For On Site Servicing - Full Granted 16/03/2000

W/03523 - Removal Of Condition 3 From Planning Approval W/2720 Dated 16th March 2000  
- ROC Granted 08/08/2000

## Planning Policy

[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  
GP3 Planning Obligations  
H2 Housing within Development Limits  
H6 Residential Care Facilities  
AH1 Affordable Housing  
EMP1 Employment – Safeguarding of Employment Sites  
TR3 Highways in Developments - Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

[Nature Conservation and Biodiversity - Draft Supplementary Planning Guidance](#)

Affordable Housing

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** – Has no objection to the principle of development, however considers that a Travel Plan should be conditioned. The response to the amended plans along with conditions will be reported in the addendum.

**Head of Education** – No contributions will be sought given the flats are 1 bedroom.

**Head of Public Protection (Contaminated Land)** – Given the previous uses, a contaminated land condition will be required as recommended below.

**Head of Public Protection (Dust)** – Recommends a condition on the control of Dust.

**Parks & Leisure** – The open space within the site should be more multi use than just a bowling green as there is one close by. Any S106 receipts should be used for cultural heritage such as the Arts.

**Heneb - The Trust for Welsh Archaeology** – Stated initially that the site is in an archaeologically sensitive area and therefore recommended a desk based assessment. The applicants have carried out intrusive studies since the initial consultation and the Trust considers that the Written Scheme of Investigation is acceptable.

**Sustainable Drainage Approval Body** – States that the site is not at risk of flooding and that a SAB application will be required.

**Local Member(s)** - Councillor Gareth John states that the concerns raised at PAC have not been addressed so has the following concerns and asked for the application to be reported to Committee.

- Density of development is too high
- Overlooking / overbearance

- Design – single storey development should be to the rear of site
- Insufficient parking especially for carers / health care professionals

Councillor Alun Lenny and Peter Hughes Griffiths have not commented to date.

**Carmarthen Town Council** – Has no objection, however raised concerns regarding the level of car parking for residents, visitors and carers. The Town Council reiterates it's concerns in respect of the amended scheme.

**Carmarthen Civic Society** – No objection to redevelopment of the site, however concern over the originally submitted proposal as follows:

- The site is within the conservation area. The Priory Street frontage is important and the façade needs to be amended to reflect the character.
- The inset balconies are discordant features.
- The bowling green is unnecessary duplication so close to the town bowling facility which is nearby.

No response has been received to date in respect of the amended plans.

**Dwr Cymru/Welsh Water** – has no objection.

**Natural Resources Wales** – has 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 press and site notices. 10 representations were received objecting and the matters raised are summarised as follows:

- Scale and Height
- Highway Safety
- Traffic Generation
- Level of Parking
- Use – The site should be a replacement retail unit or green space.
- Loss of amenity
- Privacy
- Overberance
- Loss of light
- Density of Development
- Property Value

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

## Appraisal

### Principle of Development

The site is a previously developed site within the town of Carmarthen. The site is adjacent to the former Carmarthen Infirmary and there has been a mix of commercial uses with a car

garage and retail store. The site has been unused since the discount retailer relocated elsewhere in Carmarthen so is a vacant void within the urban area. The site has been sold to a Housing Association so a resumption in retail use is not likely. Redevelopment for housing is the scheme submitted so this is what is being assessed. The land is a previously developed site in a largely residential location so the principle of redevelopment for residential is therefore considered to be acceptable.

### **Scale height and density**

The scheme has been subject to scrutiny and assessment, especially in the context of the historically sensitive Priory Street frontage. It is noted that there are a number of three storey buildings along Priory Street. The apartments to the rear of the Infirmary are a mix of three and four storey, and the Infirmary itself is a mix of two and three storey. The parade has three storey dwellings backing on to the site along with three and four storey modern apartments. The principle of two and three storey development is therefore considered acceptable within the context of the site. In terms of the detailed design, the scale and height of both the front and rear facing elevations has been reduced as a result of negotiation so that they fit with the surrounding development. The density of development is akin to the surrounding development with the addition of a central communal garden, so whilst relatively high density, the proposed living environment is considered to be acceptable.

### **Amenity**

There is concern over the impact of the proposal on properties along the Parade. It is noted that the boundary of the site is 15m from the nearest apartments with parking between and 32m from the rear of the houses fronting onto the Parade. The development is proposed to be set back from the boundary further than the current building with small garden areas to further create a buffer between the proposal and the neighbouring properties. The back to back distance between the apartments and nearest individual private dwelling on the parade is 40.82m. The proposal has been reduced in height and given the presence of a retail unit backing onto the site, the noise and disturbance from over 55s housing is likely to be less than the current use which has deliveries, customers and noise from plant. Given the separation distances and the degree of mutual overlooking between flats, the impact of amenity of neighbouring properties is not considered likely to be unacceptable.

### **Historic Environment**

The site is in a historically sensitive area. The Carmarthen Infirmary and Vicarage, along with the three storey dwellings backing onto the site are Listed, and the site has recently been included within the Conservation Area. Further, the Carmarthen Roman Amphitheatre is some 500m away to the North East. There are two main issues in respect of the historic environment.

Firstly, the impact on the Conservation Area in terms of the primary frontage onto Priory Street. The initial submitted plans were for three stories of apartments and included inset balconies and full height windows. Further, a brick façade was proposed. This modern appearance along with the scale and height was considered at odds with the buildings around it and would be a modern development that would dominate the street scene rather than being subordinate to the adjacent Listed Infirmary. Through detailed negotiation, the Priory Street frontage has been split between two and three storey, has fenestration which has more traditional proportions and is now a more suitable material that fits in with the mostly rendered facades of the street scene.

Secondly, the underground archaeology has been explored with intrusive investigation. As a result of investigation, remains of Roman and later medieval / post Medieval structures were identified which need to be recorded.

## **Highway Safety**

Given the nature of the flats for over 55s, and the location close to the centre of Carmarthen, the level of parking is considered to be acceptable. The scheme is on a bus route, is just half a mile from Carmarthen Railway Station and also has a dedicated bike storage, so is accessible by a range of sustainable transport. The CSS standard for such development is one space per 2-4 units, so the provision is within this range. Given the proximity to St Peters car park, the applicants consider that on site visitor parking is not necessary. The original Highway response had no objection to the principle of development however stated that a Travel Plan was required. The applicants have produced a travel plan as required which encourages active travel and car sharing.

Highways has not yet responded to the re-consultation to date, so the final list of conditions will be added to the addendum.

## **Other Matters**

Property value is not a material planning consideration.

## **Planning Obligations**

The site is proposed to be 100% Affordable Housing which is covered by condition. No other contributions are considered necessary or reasonable.

## **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 whilst there is concern locally in respect of parking and amenity along with the character density and historic environment., the principle of redevelopment is acceptable as the site is previously developed and within settlement development limits. The location of the development is in a sustainable location close to the centre of Carmarthen and separation distances between the site and surrounding properties is such that there is not likely to be an unacceptable impact. The Priory Street frontage in particular has been subject to close scrutiny and a solution has been found which would not have a detrimental impact.

The proposal is for 100% affordable housing so this is conditioned accordingly. There are no other heads of terms requiring a S106 Legal Agreement so the application is recommended for approval.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

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

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

#### **Condition 2**

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans and documents dated 14 November 2023.

- Proposed Site plan (Ref: 3995-PEN-ZZ-ZZ-DR-A-1002-S4-P11)
- Lower ground floor plan (Ref: 3995-PEN-ZZ-ZZ-DR-A-2000-S4-P10)
- Ground floor plan (Ref: 3995-PEN-ZZ-ZZ-DR-A-2001-S4-P9)
- First floor plan (Ref: 3995-PEN-ZZ-ZZ-DR-A-2002-S4-P9)
- Second floor plan (Ref: 3995-PEN-ZZ-ZZ-DR-A-2003-S4-P10)
- West and east elevations (Ref: 3995-PEN-ZZ-ZZ-DR-A-3000-S4-P9)
- North and south elevations (Ref: 3995-PEN-ZZ-ZZ-DR-A-3001-S4-P9)
- Sections 1 and 2 (Ref: 3995-PEN-ZZ-ZZ-DR-A-3002-S4-P9)
- Section 3 and 4 (Ref: 3995-PEN-ZZ-ZZ-DR-A- 3003-S4-P9)
- Elevations Building 1 (Ref: 3995-PEN-ZZ-ZZ-DR-A- 3004-S4-P5)
- Elevations Building 2 (Ref: 3995-PEN-ZZ-ZZ-DR-A- 3005-S4-P5)
- Elevations Building 3 (Ref: 3995-PEN-ZZ-ZZ-DR-A- 3006-S4-P5)
- Elevations Building 4 (Ref: 3995-PEN-ZZ-ZZ-DR-A- 3007-S4-P5)
- Section Through No. 7 The Parade (Ref: 3995-PEN-ZZ-ZZ-DR-A-3010-S4-P2)
- Flat Type A Layout (Ref: 3995-PEN-ZZ-ZZ-DR-A-4000-S4-P2)
- Flat Type B Layout (Ref: 3995-PEN-ZZ-ZZ-DR-A-4001-S4-P2)
- Wheelchair Flat Type C Layout (Ref: 3995-PEN-ZZ-ZZ-DR-A-4002-S4-P3)
- Flat Type D Layout (Ref: 3995-PEN-ZZ-ZZ-DR-A-4003-S4-P3)
- Cycle Shelter (Ref: 3995-PEN-ZZ-ZZ-DR-A-7000-S4-P1)
- Courtyard Bin Store (Ref: 3995-PEN-ZZ-ZZ-DR-A-7100-S4-P1)
- Drainage Strategy (Ref: C-SK01 Rev B)
- Landscape Strategy (Ref: RS-0182-220303-01-00)
- Planting Plan (Ref: RS-0182-220304-02-00)
  
- Landscape Maintenance & Management Plan (December 2023)
- Transport Statement (November 2023)
- Travel Plan (October 2023)
- Archaeological Impact Assessment (March 2022)

- Archaeological WSI For Evaluation (May 2022)
- Archaeological Evaluation (August 2022)
- Archaeological Specification For Excavation (July 2023)
- Heritage Impact Assessment (November 2023 - Rev d01)

and the following plans dated 23 December 2023:

- Site location plan (Ref: 3995-PEN-ZZ-ZZ-DR-A-1000-S4-P3)
- Existing site plan (Ref: 3995-PEN-ZZ-ZZ-DR-A-1001-S4-P3)
- Bat Survey Report (August 2021)
- Ecological Appraisal Report (September 2021)
- Geo-Technical & Geo-Environmental Report (October 2021)

Reason: In the interests of visual amenity in accordance with Policy GP1 of the LDP.

### **Condition 3**

Prior to commencement of development 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 100% of the new build housing units on the site;
- ii) 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)];
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing.

Reason: To ensure that the affordable units are retained as such in perpetuity in accordance with Policy AH2 of the LDP.

### **Condition 4**

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

1. Designed and implemented an additional 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 'Geotechnical and Environmental Report' produced by Terra Firma (October 2021, Job No. 16761). 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.



2. 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: In the Interests of Public Protection in accordance with Policy GP1.

### **Condition 5**

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: In the Interests of Public Protection in accordance with Policy GP1.

### **Condition 6**

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 Interests of Public Protection in accordance with Policy GP1.

### **Condition 7**

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: In the Interests of Public Protection in accordance with Policy GP1.

### **Condition 8**

Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to the 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 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 topsoil, 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: In the Interests of Public Protection in accordance with Policy GP1.

### **Condition 9**

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

### **Condition 10**

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

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

### **Condition 11**

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 12**

The development must proceed in strict accordance with the following:

Appendix 5 and 8 of the Bat Survey Report, namely the following: 4 x Vivaro Pro Build-in Bat Boxes (or similar) to be installed in the new buildings – two on each of the east and west gable end walls. To be affixed in a sheltered, elevated (2–7m and ideally 4 or 5m) position away from artificial light and potential predation and not above any windows or doors

5.4.3 of the Ecology Report namely the following:

In order to provide a net enhancement for the development new native planting should be incorporated into the development using species of local provenance. Areas of grassland should be seeded with a wildflower meadow mix suitable for the area to provide food resource for pollinators. These areas should be mown in mid to late August and arisings removed. An early cut prior to April may also be undertaken. Native berry bearing shrubs such as guelder rose, alder and purging buckthorn and a couple of rowan trees should be planted as part of the development.

Reason: In the interest of protected species in accordance with Policy SP14 and EQ4 of the LDP.

## **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/04799</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Relocation of existing vehicular / roadway automatic gateway and access control panel with associated fencing and removal of pedestrian gate
<b>Location</b>	Land to the South of NOS 175 and 162, Pentre Nicklaus Village, Llanelli, SA15 2DF

<b>Applicant(s)</b>	Mr Paul Lines - Pentre Nicklaus (Phase 6) Management Committee LTD
<b>Agent</b>	Mr Philip Lewis - Lewis Partnership Architects Ltd.
<b>Officer</b>	Hugh Towns
<b>Ward</b>	Glanymor
<b>Date of validation</b>	17/11/2022

## 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 includes a section of adopted highway, inclusive of a further section of private road, together with flanking verge areas on part of the lane known as Cackle Pickers Way, Machynys, Llanelli. The lane in question lies to the South-west of the Pentre Nicklaus residential development, located on the Machynys Delta in South Llanelli.

The existing lane was resurfaced and enhanced as part of the Pentre Nicklaus development, which has been developed in phases over the past 25 years. Inclusive within one of the latter phases of that development, a large section of Cackle Pickers Way was formally adopted as an unclassified highway up to a specified point. Beyond that point, the route remained a private access road specifically used by seasonal cockle pickers to access the estuary mudflats and cockle beds, as well as providing essential access by emergency services in the event of an incident on this part of the estuary. To allow such restricted vehicular access beyond the adopted highway, a security gate was installed, together with bespoke automatic key access. Unfortunately, the security gate, pedestrian gate, and

ancillary railings were installed on the adopted highway, which now representing an obstruction on the county highway.

The gate and flanking panels presently span the width of the pavement (1850mm), adopted carriageway (5570mm), and section of verge (1665mm), all of which form part of the adopted highway. At their highest point the posts stand 1370mm above the height of the road carriageway, and are finished in a black powder coated pain finish.

## Proposal

The planning application seeks full planning permission to relocate the gate, posts, and associated control panel and vehicle sensors 13.18 metres further back from the existing position. This would mean the repositioned gate would be beyond the adopted highway, on the private section of Cockle Pickers Way. The repositioned gate would utilise the existing gate, side panels, and associated security equipment employed at the existing location, with the exception of new powder coated replacement fence posts, and replacement of the pedestrian gate with a solid panel to match the existing horizontal rails. The existing pedestrian gate, present in the existing secure entrance gateway, was initially understood to be a convenience measure for residents backing onto Cockle Pickers Way. However, over time this gate is now used by the public as an informal access onto the private section of Cockle Pickers Way, which is not an adopted highway or Public Right of Way (PRoW) beyond the adopted highway. Only those people with authorised access, such as CCC maintenance staff, emergency services, and authorised shellfish pickers would posses the relevant access code to enter via the security gate.

Essentially, the proposed development would ultimately almost replicate the existing gated entrance, bar the omission of the pedestrian gateway. As already mentioned, there is no PRoW beyond the extent of the adopted highway, and the security gates are there to prevent access by unsolicited parties.

## Planning Site History

S/23617 - Development of 4 No. New Dwellings within Existing Residential Development. 4 No plots are amendments to existing approved scheme, including the construction of a new private (Unadopted) access road and shared surface cul de sac - Full Planning Permission Granted 11-11-2010

## 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

[Carmarthenshire Supplementary Planning Guidance](#)

[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

**Local Members** - Cllr Sean Rees has received concerns from several local residents over the omission of the pedestrian gateway in the new proposal, which he considers to be contrary to LDP policy GP1(d). Cllr Rees also wishes to address the Planning Committee, prior to determination of this planning application. Cllr L Roberts is likewise concerned over the proposed loss of the pedestrian gate, which is well used by a range of people and should be relocated to the new location. Failure to accommodate this provision is seen to be discriminatory, as this is seen as the only safe means of access to the beach. This access route has been used as a public right of way for years. The Planning Committee should undertake a site visit before determining this application.

**Llanelli Town Council** - Concerns have been expressed over the proposed loss of the pedestrian gate, used as an access point by the public for many years. This is an important feature enjoyed by the local community, the loss of which would be detrimental to public amenity, and contrary to Carmarthenshire LDP policy GP1(d)

**Highways & Transport** - No Observations

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

## Summary of Public Representations

The application has been publicised by the display of a site notice at the application site. In response, some 16 representations have been received in objection to the application, together with a further 64 signatory petition of objection, the grounds of which are summarised as follows:

- Removal of pedestrian gate will remove the pedestrian access presently enjoyed by many members of the public, some for over 20 years. Potential claim to acquire Public Rights of Way status;
- Access by foot through the pedestrian gate was invaluable for peoples wellbeing during the Covid lockdown;
- The proposed movement of the gate would encourage anti-social parking. This could hinder access by the emergency services;
- Movement of the gate could encourage car parking. Vehicle would be forced to reverse onto a dangerous junction;
- No justification provided why the pedestrian access is being removed, which is well used by the public;
- Existing gate opening mechanism is noisy. A better noise insulated mechanism should be used;
- How are residents/public going to access the rights of way;
- Claims of legal "Rights of Access" over the application site;
- Description of the development does not mention erection of new fence
- Highway amenity impacts through increased access to additional highway;
- Prior to installation of existing gate, significant anti-social behaviour from poorly parked vehicles blocking access, essential to emergency services and cockle pickers;

- Transport consultants commissioned by neighbouring residents to look at the proposed development;
- Further measures being proposed by CCC – Transport Strategy and Traffic Management Team, which should form part of the proposed scheme. These should be covered as a pre-commencement planning condition;
- Appropriate signage and traffic management measures on the highway should be covered by condition(s);
- Proposed fence would hinder access by the public to the Millenium Coastal Park;
- Proposal is contrary to the South Llanelli Supplementary Planning Document; LDP policy REC1 – Protection of Open Space; Planning Policy Wales - |Technical Advice Note 16 – Sport, Recreation and Open Space;
- The existing gate opening mechanism is noisy, which will be relocated near to existing property's primary rooms;
- The planning application has been submitted quoting the wrong site address;
- An inaccurate/incomplete ownership certificate has been completed;
- Prohibition of pedestrian access is unnecessary, and until now there has been no issue with the existing gate;

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

## Appraisal

The main considerations of this case, as raised in objection by the relevant consultees and third parties, are summarised and addressed as follows:

### Impact on Living Conditions and Public Amenity

Whilst it is not considered that the physical presence of the gate and railings, by reason of their siting, scale and design would directly impact upon the living conditions of any adjacent neighbours, this would be no more than the existing situation. There will evidently be times when vehicles would be parked/idling in front of the security gate wait for it to open. However, this will be no different to the present situation which does not appear to raise any concerns, other than those now stated in certain of the objection responses. While certain respondents reference noise generated by the automatic opening mechanism of the gate, none appear to have been lodged a formal complaint of nuisance against the existing gate. Any valid and substantiated complaint would be investigated, but nothing is recorded with our colleagues in the Communities Department.

The alleged inaccuracies in the application site address, coupled with the initial brevity of the application description, have now been addressed by the agent in the submission of amended details received after registration of the application.

### Highway Safety

Although the previous planning permission granted for one of the adjacent phases of the Pentre Nicklaus Village development approved the security gate at it's present location, the relevant highway classification plans had not been updated at that time. Despite the applicant attempts to have the aberrant 13+ metres of adopted highway unadopted, the council declined to either grant a Deed of Easement for this section of highway, or state their support to have the offending section of highway unadopted. This does demonstrate the applicants exploration of all alternatives, prior to the submission of this planning



application. The Highways & Transportation Service encouraged the application to re-locate the gate and fencing, given that the gate presently represented an obstruction on the highway.

While several third parties, inclusive of adjacent residents to the final section of adopted highway straddling the existing gateway, have expressed concerns that the additional section of road would cause highway safety concerns, and the potential for antisocial behaviour. Such concerns are not shared by our highway engineers, who have raised no objection or conditional approval for the proposal works. There is no robust evidence submitted to support the alleged antisocial consequences of the proposed works, which merely serves to remove an existing obstacle in the highway.

Reference is made by certain third parties that the Council's Transport Strategy and Traffic Management Team are looking into providing safety measures on this section of the highway. This has not, to the Development Managements knowledge, been progressed, while any such essential measures would need to be provided by the applicant submitting the planning application. This is likewise the case with any prescribed signage, which would similarly be secured via the applicant under a legal agreement.

### **Landownership and Site Description**

The initial concerns raised over whether all those with a valid property interest in the application site were duly served with the appropriate requisite notice(s) has now been addressed. Subsequent to the initial registration of the planning application, the agents subsequently submitted a new set of application forms showing that both Carmarthenshire County Council (CCC) as freehold owners, as well as Machynys Peninsula Golf and Country Club Ltd were served with the requisite notices, given their land interests. Also, given questions raised concerning the description given of the proposed development, and site address provided, these were also amended to more accurately describe the development. These matters have now been addressed.

### **Public Rights of Access**

Almost unilaterally, the representations received question the omission of the pedestrian gateway in the relocated access gateway, while several emphasised the frequency and longstanding period the public have used the pedestrian gateway for access onto the unclassified section of Cockle Pickers Way. A number have emphasised the length of time (up to 20 years) and regularity of the public use of this pedestrian gateway, despite there being on registered Public Right of Way (PRoW). This persistent lobbying has no materiality upon the consideration of this planning application, given the fact that no registered PRoW exists. This potential avenue of seeking to register a PRoW on the site can be pursued, separate from the determination of this planning application.

Whilst certain representations refer to the pedestrian gateway as an essential feature to provide safe and easy access to the MCP and beach. It must be noted that there is a formal footpath leading to the beach and MCP a short distance before the existing gateway. As such, Cockle Pickers Way is not the sole route of access by pedestrians from the adopted highway at this point. The insistence by several third parties that a dedicated pedestrian gateway be provided at the relocated site is not a justifiable ground to determine whether planning permission should be granted.

## **Impact upon Character and Appearance of the Area**

The proposed relocated gates would merely move the existing gates back (13.18 metres) from their existing location. Apart from replacing the existing gate posts with duplicate powder coated steel posts, and substitution of the pedestrian access gate with a fixed panel, the development would almost appear as a duplicate of the existing gateway. In light of which, there would be no detrimental impact upon the character and appearance of the area, and would comply with Policy GP1 of the LDP.

## **Planning Obligations**

None

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

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

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded that, on balance, the proposed relocation of the existing secure access gate, inclusive of side fence panels and access control panel would not, having regard to the particular circumstances of the case, have a detrimental impact upon highway safety, residential amenity, or the character and appearance of the area. The application is considered to comply with the adopted Carmarthenshire Local Development Plan (LDP) policies GP1 and TR3, and as such is recommended for approval, subject to the following conditions.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

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

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

#### **Condition 2**

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

- Location Plan 1:1250 scale and Site Plan 1:500 scale (drawing no. 05 Rev B);
- Proposed Site Plan 1:200 scale (drawing no. 06 Rev. B);
- Proposed Site Plan 1:50 scale, and Proposed Gate Elevation Plan 1:20 scale (drawing no. 04 Rev. B);

Received 27-01-2023

- Existing Location Plan 1:1250 scale and Site Plan 1:500 scale (drawing no. 01 Rev A);
- Existing Site Plan 1:200 scale (drawing no. 02);
- Existing Site Plan 1:50 scale and existing Gate Elevation Plan 1:20 scale (drawing no. 03 Rev. A);
- Proposed Site and Location Plan drawing no. 2143 05;
- Proposed Site Plan drawing no. 2143 06;
- Background to the Application;

Received 29 September 2022;

- Proposed Plan and Elevation drawing no. 2143 04;

Received 3 October 2022;

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

## 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/06289</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Construction of 12 no. residential dwellings with associated infrastructure works
<b>Location</b>	Land lying to the south of Parc Gitto, Llwynhendy, Llanelli, SA14 9LB

<b>Applicant(s)</b>	Westacres
<b>Agent</b>	Asbri Planning - Mr Iwan Rowlands
<b>Officer</b>	Hugh Towns
<b>Ward</b>	Llwynhendy
<b>Date of validation</b>	18/07/2023

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Sharen Davies. It should be noted that Cllr Davies has also requested a site visit.

## Site

The application site is an irregularly shaped parcel of land covering an area of approximately 1.14 hectares. It is currently vacant greenfield land in the main but also includes the curtilage of 73 Parc Gitto for drainage reasons. The site is bounded to the north and east by residential development. A notable feature of the site is its established natural boundaries to the south and west in the form of hedgerows with trees. The land beyond the hedgerows is also currently greenfield but is allocated in the Local Development Plan for residential development amounting to 300 dwellings. The site has a relatively steep topography, sloping from approximately 12.39m AOD in the north to approximately 5.42m AOD in the south. The southern part of the site is traversed by a DCWW Water Main.

There is an existing field access point to the north east of the site. There is a confluence of streets at this location which include Erw Las, Parc Gitto and Hendre Road. The site exhibits notable sustainability credentials given that it is within walking distance to local facilities

within Llwynhendy and wider facilities and services within Llanelli and Trostre. The A484, Llanelli to Swansea Link road sits some 300m south of the site.

## Proposal

The application seeks full planning permission for the construction of 12 no. residential dwellings with associated infrastructure works on the site. The schedule consists of 10no 4 bed open market units (4 different house types), with 2no. 2 bed units (these 2 are DQR and affordable). The external finishes of the walls are a mix of white painted render and silver grey rough dress stone, the roof covering is artificial slate grey roof tiles with windows and doors being grey.

The site access road lies between 73 Parc Gitto and Woodcote, leading directly from the adjoining public highway. The proposed dwellings are all to be constructed to the rear of the existing dwellings fronting the public highway.

The proposed open market dwellings have garages and on site parking space so that there are a minimum of three on site parking spaces. The affordable 2 bed units do not have garages but have two parking spaces. This accords with parking standards. Pedestrian access within the site will be provided in the form of 2m footways and footpaths will follow the access road carriageway. Informal crossing points will be provided at the site entrance and within the site to encourage walking and access for all.

The hedgerows with trees will be retained as the site boundaries, thus ensuring that the enclosed site feel is retained. This proposed development design retains all higher-value trees that form part of the site, whilst a few trees are identified to be removed to facilitate the construction of the proposed development design. Replacement trees are required on a 3 to 1 basis.

A Surface Water Drainage Strategy is proposed which is intended to reduce post-development runoff rates and volumes as close to greenfield runoff rates as possible. Furthermore, reference is made to the requirement to attain 'betterment' as per the Memorandum of Understanding. It is noted that the Drainage Strategy is underpinned by access to 3rd party land. Whilst there is currently no agreement with the third party to utilise their land, it is considered that there is a reasonable prospect of an agreement during the 5 year life of any planning permission. On that basis a negatively worded Grampian Condition could be imposed on any grant of planning permission, preventing commencement of development until an agreement is reached.

The proposal also contains provision for a foul water pumping station with discharge being to the public sewer system.

## Planning Site History

S/32678 - 10 Dwellings - Outline Refusal - 17/05/2016 (appeal allowed - 05/05/2017)

S/15581 - Residential Development Together With Associated Highway And Junction Improvements, Car Parking And Servicing, Open Space And Landscaping, And Other Ancillary Uses And Activities - Withdrawn - 06/06/2014

D5/13870 - Access Road - Full Granted - 31/03/1994

D5/10893 - Bungalows at plots adjacent to no.73 Parc Gitto - Granted - 03/10/1988

D5/10682 - Two detached bungalows and temporary siting of caravan at land adjacent to 73 Parc Gitto - Granted - 27/06/1988

D5/10540 - Two detached two storey dwellings at land at Parc Gitto - Granted - 27/06/1988

D5/4276 - Dairy - Outline Granted - 06/12/1979

D5/170 - Creation of detached and semi-detached private residences - Refused - 05/04/1974

## Planning Policy

In the context of the Authority's current Development Plan, the application site is located within the defined development limits as contained in the adopted [Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

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

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;  
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;  
TR2 Location of Development- Transport Considerations;  
TR3 Highways in Developments- Design Considerations;  
TR4 Cycling and Walking;  
EQ4 Biodiversity;  
EQ5 Corridors, Networks and Features of Distinctiveness;  
EP1 Water Quality and Resources;  
EP2 Pollution;  
EP3 Sustainable Drainage, and  
REC2 Open Space Provision and New Developments.

Supplementary Planning Guidance (SPG) has been produced to provide further detail on certain policies and proposals contained within the Carmarthenshire LDP. They help ensure certain policies and proposals are better understood and applied more effectively. Of particular note within the context of this proposal are the following SPG's:

Placemaking and Design (2016);  
Leisure & Open Space Requirements for New Developments (2016);

Planning Obligations (2014);  
Affordable Housing (2018), and  
Nature Conservation and Biodiversity (2016).

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. The below TANs are considered to be of particular relevance to this proposal:

TAN 5 (Nature Conservation and Planning, 2009);  
TAN 12 (Design, 2016);  
TAN 15 (Development and Flood Risk, 2004), and  
TAN 18 (Transport, 2007)

## Summary of Consultation Responses

**Head of Transportation & Highways** - request conditions to be attached to any planning permission granted

**Housing Service** - The Housing Service can confirm that the ward of Llwynhendy is an area of high housing need which will be supported by the provision of 20% proportion of affordable dwellings in perpetuity planned for this development.

**Education** - contribution of £10,500 required

**Leisure Services** - there is not a requirement for an onsite formal play facility due to the limited number of proposed properties. However we would request that a S106 contribution per plot is sought for the potential upgrading of existing facilities in the ward,

**Head of Public Protection** - request condition relating to the submission of a dust mitigation scheme, request that any planning application is accompanied by a report assessing the suitability of the proposed development in accordance with the method set out in TAN 11: Noise and request imposition of standard contaminated land conditions on any grant of planning permission.

**SAB Approval Body** - Advise that NRW are consulted as part of the site is located within Flood Zone 3. Drainage considerations are sufficient for planning purposes. SAB Application is required.

**Llanelli Rural Council** - object on the grounds of highway safety and concerns about access and egress arrangements associated with the proposed road junction for the estate and the lack of adequate visibility.

**Local Member(s)** - Councillor Sharen Davies and Councillor Jason Hart object to the proposed development. This application adds another two dwellings to the 10 dwellings granted at Appeal which will lead to extra traffic and impact on highway safety. The two additional dwellings will also have an adverse impact on 71 Parc Gitto in terms of overshadowing, loss of light and enjoyment of their garden. Cllr Davies requests that the Planning Committee visit the site. If planning permission is granted Cllr Davies requests that Section 106 funding is directed to support a community hub in Llwynhendy



**Natural Resources Wales** - have concerns in relation to flood risk and the LPA must determine whether the risks and consequences of flooding can be managed in accordance with TAN15. Request a condition relating to pollution prevention. Welcome the submitted Surface Water Removal Scheme and welcome the recommendations in the Preliminary Ecological Appraisal.

**Dwr Cymru/Welsh Water** - No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system. The proposed development site is crossed by a public sewer

**Dyfed Archaeological Trust** - request a condition requiring a written scheme of investigation.

**The Coal Authority** - concurs with the recommendations of the Site Investigation Report that coalmining legacy potentially poses a risk to the proposed development and that remedial works should be undertaken prior to development in order to make the site safe and stable. No objection subject to the imposition of conditions to secure the remedial works

**Mid & West Wales Fire & Rescue Service** - The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site

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

## Summary of Public Representations

The application was the subject of notification by way of site notice and publication in the local newspaper (major application). 2 representations have been received as a result, 1 objecting, and 1 expressing concerns, the matters raised are summarised as follows:

- the affordable housing is in very close proximity to our boundary and privacy will be taken away by the housing facing into our garden and only a few feet away. We would be staring at the front and side walls of housing looming over our garden. It will affect not only our privacy but also the market value and saleability of our property.
- Tata Steel does not object to the principle of residential development on the application site. Tata Steel does, however, have concerns regarding the inclusion of land within its ownership within the redline boundary to facilitate the proposed drainage strategy. We can confirm that initial positive discussions have taken place re: the principle of using Tata's land to facilitate the proposed drainage strategy and satisfy the MOU. Commercial discussions are ongoing, but no final agreement is in place at this stage. We understand that a Grampian condition is being discussed with the Council to ensure that any development permitted is subject to necessary agreements being reached with third party landowners. Such a condition will be fundamental given no such agreement is currently in place. This should not be read as Tata's agreement to what the applicant proposes as commercial negotiations remain ongoing.

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

# Appraisal

## Principle of development

The vast majority of the site lies inside the development limits of Llanelli as defined in the Carmarthenshire Local Development Plan but is not allocated for development, a small part of the southern extremity of the site extends into LDP housing allocation area GA2/h35, albeit this is only the proposed drainage element of the overall scheme. Policy H2 therefore applies and states that proposals for housing developments on unallocated sites within the development limits of a defined settlement will be permitted, provided they are in accordance with the principles of the Plan's strategy and its policies and proposals. The grant of outline planning permission at Appeal in May 2017 has lapsed and therefore does not in itself safeguard the principle of development, the proposal must be considered afresh to establish whether there has been a material change in circumstances since that 2017 approval. In this case, there has not been any material change in circumstances.

## Highway Impacts

The main cause for concern advanced by the Llanelli Rural Council and the two Local Members relates to additional traffic leading to concerns about highway safety and adequate visibility at the proposed new junction with the County Road. It should be noted that the previous outline application for 10 dwellings on this site (S/32678) was refused by the Local Planning Authority on highway safety grounds. The Planning Inspector in his Appeal Decision letter agreed that the main issue was the effect of the proposal on highway and pedestrian safety. However he concluded that on balance the proposal would be well located with regard to sustainable travel options and would have adequate access to the highway network. He was satisfied by the evidence provided that local roads could safely accommodate the increase in traffic resulting from the appeal scheme. For these reasons he considered that the proposal would accord with the highway and pedestrian safety objectives of LDP policies GP1, H2 and TR3, and would be consistent with the thrust of TAN 18: Transport and the associated Manual for Streets.

This proposal is estimated to add between 6 and 9 vehicle movements per hour at peak times based on 12 dwellings whereas it was estimated to be 5 to 7 vehicle movements per hour based on the previous 10 dwellings. An extra 1 or 2 vehicle movements per hour at peak times is not a significant material change sufficient to tip the balance away from the Planning Inspectors view that the local road network could safely accommodate the increase in traffic. It should be noted that the Head of Highways and Transportation does not object to the proposed development and recommends conditions to be attached to any grant of planning permission. These conditions ensure adequate access and egress is provided together with appropriate visibility splays in either direction. For these reasons a refusal on highway safety grounds cannot be sustained.

## Amenity/Privacy Impacts

The residents of 71 Parc Gitto have objected on the grounds that the affordable housing units proposed are in very close proximity to their boundary and privacy will be taken away by the housing facing into their garden. Intervisibility between properties is generally measured in window to window distances with a minimum distance of 21m being required. In this case, the window to window distance from the closest proposed dwelling to 71 Parc Gitto is 35m.

It is generally accepted that within residential areas that garden areas are almost certainly going to be overlooked by neighbours to some extent. In addition, the Planning Inspector in the previous Appeal decision noted that *'The indicative layout shows dwellings backing onto houses and bungalows to the east and north at distances of around 30 metres or more. Such distances would avoid harmful overshadowing and loss of outlook or privacy, and any increased noise and disturbance would not be incompatible with the prevailing residential context. Boundary treatments, which could be secured by condition, would avoid any harmful reduction in privacy within neighbouring gardens. I accept that there would be disruption to neighbours during construction but this would be temporary in duration'*.

On the basis of the above it is not considered that a refusal on the grounds of unacceptable privacy impacts can be sustained.

The Head of Public Protection has suggested that a Noise Assessment is undertaken to assess the impact of noise from the A484 on the residents of the proposed properties. However, the site is some 185m from the A484 and as such it is considered that requiring such an assessment would be unreasonable in this case.

### **Flood Risk & Drainage Impacts**

The application is accompanied by a Flood Consequences Assessment which identifies the site as being located in Zone A, as categorised by NRW's Development Advice Maps. Zone A is classified area at little or no risk of fluvial or tidal/coastal flooding. However, the site is partially located within Flood Zone 3 of the Flood Map for Planning - Sea. This suggests that the site may be at future flood risk from the sea due to climate change. The site is within Flood Zone 1 of the Flood Map for Planning - Rivers.

The predicted extreme still water level event is 7.32m AOD. It is proposed that the development platform for plots 1, 2 and 3 are at a minimum of 7.4m AOD. This is above the predicted flood level of the development site, thus demonstrating that the proposed development will be flood free in all design events. The only exception to this is the southern extent of the gardens at plots 1-3 where the presence of the DCWW water main crossing these areas prevents the increase in existing ground levels. Whilst flooding is predicted to the southern extent of plots 1-3, the garden space shall be tiered to create formal and informal garden space. Flooding is predicted to the informal garden space only and on that basis permitted development rights for the area susceptible to flooding will be necessary. Safe refuge for residents will be retained in the formal garden space and dwellings which are predicted to be flood free in all design events.

The Outline Surface Water Drainage Strategy indicates that at a greenfield run-off rate of 7.62 litres/second there is an attenuation storage requirement of 248 m<sup>3</sup>. The development provides for a storage capacity of 263 m<sup>3</sup>, 118m<sup>3</sup> within rain gardens and permeable paving areas and 149 m<sup>3</sup> within an attenuation basin. Water from the attenuation basin will then be piped over third party land to an existing watercourse at greenfield run-off rates. As stated above, whilst there is currently no agreement with the third party to utilise their land, it is considered that there is a reasonable prospect of an agreement during the 5 year life of any planning permission. On that basis a negatively worded Grampian Condition could be imposed on any grant of planning permission, preventing commencement of development until an agreement is reached.

Since 2007, there have been issues regarding foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Burry

Inlet. As such, the Carmarthen Bay and Estuaries European Marine Site Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward. As this development falls within the Llanelli Coastal Catchment, it must therefore accord to the requirements outlined within the aforementioned MOU. Foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment. In this case, compensatory surface water removal amounting to 108 m<sup>3</sup> is required and will be provided by redirecting surface water drains from the existing hardstanding at 73 Parc Gitto which amounts to 112 m<sup>3</sup>.

## **Biodiversity Impacts**

The Preliminary Ecological Appraisal identifies the site as primarily semi-improved neutral grassland bounded by hedgerows and trees. The semi-improved neutral grassland will be lost but the boundary hedges and trees must be retained to provide connectivity with other habitats in the wider area. Any 'gappy' parts of the hedges should be planted up with fruit and berry bearing species of local provenance to provide food and shelter to a variety of wildlife. Root Protection Areas (RPA) should be protected and adhered to in all future works. Any external lighting on the proposed scheme must consider the use of the area by bats and must be at a suitable level and lumens to avoid disturbance to their behaviour. Bat bricks and boxes should be incorporated into the new scheme as standard. It is recommended that the close board fencing within the proposed scheme is raised from the ground, (creating a hedgehog highway) leaving at least a 15cm gap to allow hedgehogs to pass through the area to continue foraging and commuting. Alternatively, appropriately sized gaps could be created at intervals along a fence that goes right down to the ground. Any clearance works should take place outside of the bird nesting season (March – August inclusive), or if within season, a nesting bird check should be undertaken by a suitably competent ecologist before works commence. Any new scheme must provide opportunities for birds through the provision of bird boxes (particularly for House Sparrow, and other declining species such as Swift, Swallow and House Martin) and the planting of suitable species providing berries and food through the winter to mitigate for any loss of nesting and feeding opportunities within the now removed scrub on the site.

Opportunities for biodiversity enhancement within a new scheme consist of:

- Swallow, Swift, House Sparrow and other bird boxes on the buildings with berry bearing trees planted for winter food
- Bat boxes/bricks integrated into the scheme design to enhance roosting provision within the area
- Planting up of gaps within hedgerows with a diverse mix of native species
- Hedgehog highways under any fences and areas for shelter retained where possible
- Areas of unused land within the development planted with native fruit trees and bushes providing shelter, food and breeding opportunities for a wide range of wildlife
- Pollinator and other invertebrate friendly planting and features such as bug hotels

## **Other Matters**

The objectors refer to adverse impacts from the development on the market value and saleability of our property. As Members are aware, this is not a material planning consideration.

## Planning Obligations

With reference to the requirements of the policy framework of the LDP, most notably policies AH1, REC2 and GP3, the LPA will have negotiated an appropriate level of community benefits in accordance with identified need. To this end, it should be noted that the applicants have agreed to enter into a section 106 agreement that will secure the following:

1. Affordable Housing – Policy AH1 indicates that a 20% contribution is required i.e. 2.4 units. In accord with the Affordable Housing SPG, 2 units will be on site, along with a commuted sum contribution of £34,213 for the “.4” of a unit;
2. Play Facilities/Open Space - A financial contribution of £25,000 towards the green / open space element of the wider Community Hub (former Library) project in Llwynhendy. The green space will be developed, to provide a play area for children, and a seating area for residents to relax and enjoy the environment.
3. Education Facilities – A commuted sum contribution of £10,500.

## 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

It is concluded, on balance, after careful examination of the planning policy position, the site and its surrounding environs, together with the representations received, that the proposal is acceptable. The site is located within the development limits of Growth Area 2 and adheres to key policy and sustainability objectives of the Authority's LDP and national planning policy.

The site is well integrated with the existing urban form and is capable of accommodating a development of the scale and density proposed without compromising the quality of the scheme or detracting from the character and appearance of the surrounding area. The development will yield a range and choice of housing types and sizes (including on-site affordable homes) which will be well related to the existing services and facilities in Llwynhendy and the wider Llanelli area. Furthermore, the site is of a scale that contrasts with those larger scale allocations/developments within Llanelli and the immediate Cefncaeau/ Llwynhendy area, thus contributing towards the delivery of a range and mix of sites.

Furthermore, the level of contributions secured are considered to be commensurate with the scale and nature of the development, and the proposal demonstrates a full alignment to LDP those pertinent planning obligation policy provisions in respect of affordable homes, education and open space.

In addition, the development satisfies the sustainability requirements of the LDP from an environmental quality and utility provision perspective by implementing a drainage strategy that will dispose of foul and surface water in a sustainable and controlled manner as well as providing betterment to the capacity of the public sewerage system.

As outlined in the appraisal above, there are no highway, amenity, or ecological objections to the development.

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

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

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

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

#### **Condition 2**

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

- Site Location Plan (LP-01)
- Site Section (SE-01)
- Site Section (SE-02)
- Affordable Units Floor Plans (4P2B/01)
- Affordable Units Elevations (4P2B/02)
- Floor Plans - Oxwich (OXW/01)
- Elevations - Oxwich (OXW/02)
- Floor Plans - Cennen (CEN/01)
- Elevations - Cennen (CEN/02)
- Floor Plans - Caernarfon (CAE/01)
- Elevations - Caernarfon (CAE/02)
- Floor Plans - Penrhos (PEN/01)
- Elevations - Penrhos (PEN/02)
- House Finishes Layout (HF-01 Revision 1)
- External Works Layout (EW-01 Revision 1)
- Affordable Homes Plan (AFH -01 Revision 1)
- Double Garages Plans & Elevations (DG-01)
- Oversized Single Garages Plans & Elevations (OSG/01)
- Single Garage Plans & Elevations (SG/01)
- Street Scenes (SS-01 Revision A)

- External Details Stone Screen Walls (2017 D01)
- External Details (2017-D02)
- External Details 1800mm Close Board Gate (2017-D03)
- External Details 450mm Timber Knee Rail (2017-D04)
- Fire Tender Layout (Fire-01 Revision 1)
- Refuse Strategy Layout (RS-01 Revision 1)
- Parking Strategy Layout (PS-01 Revision 1)
- Arboricultural Report dated 30 June 2023
- Site Investigation Report (14047/OTJ/22/S1/Rev A)
- PAC Report - July 2023
- Design & Access Statement (Issue 2 - July 2023)
- Planning Statement - July 2023
- Preliminary Ecological Appraisal by Amber Ecological Consultancy
- Archaeological Appraisal by Archaeology Wales
- Flood Consequence Assessment (Version 3 June 2023)

received 12 July 2023

- Outline Surface Water Drainage Strategy (Draft July 2023)
- Engineering Site Plan - Off Site Drainage (xx-REA-01-XX-D-C-09 Revision P01.04)
- Planning Layout (PL/01 Revision 5)

received 26 October 2023

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**

No development shall commence until a Detailed Surface Water Drainage Scheme has been submitted for the written approval of the Local Planning Authority and the applicant has demonstrated that the strategy can be fully implemented. No surface water and/or land drainage from the site shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To ensure a suitable SuDS scheme can be implemented and the development accords with Policy EP3 of the Carmarthenshire Local Development Plan.

### **Condition 4**

Prior to the commencement of development, a Scheme of Ecological Enhancement Measures and a Detailed Implementation Timetable shall be submitted to and approved by the Local Planning Authority. The Ecological Enhancement Measures shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development. The scheme shall include for inter alia:

- compensation planting for any trees to be removed on a 3:1 ratio
- Swallow, Swift, House Sparrow and other bird boxes on each of the buildings

- Bat boxes/bricks integrated into the scheme design to enhance roosting provision within the area
- Planting up of gaps within hedgerows with a diverse mix of native species, providing shelter, food and breeding opportunities for a wide range of wildlife
- Hedgehog highways under any fences and areas for shelter retained where possible
- Pollinator and other invertebrate friendly planting

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9

### **Condition 5**

The Tree Protection Plan in Appendix 4 of the Arboricultural Report - 30th June 2023 should be implemented and adhered to at all times during construction works. No materials or equipment should be stored or dumped inside the protective fencing indicated on the plan.

Reason: In order to protect important natural features from loss or damage

### **Condition 6**

No development or phase of development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration, and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater, and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Reason: In the interests of biodiversity and public amenity



## **Condition 7**

Prior to the installation of any external lighting a detailed lighting plan focusing particularly on minimising lighting impacts on the treelines, including avoidance of any areas of permanent lighting, minimising any light spill from footpath lighting, light spill from windows shall be submitted to the local planning authority for written approval.

Reason: To minimise the impact of the development on bats in the interests of biodiversity

## **Condition 8**

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

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

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

2. 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: The prevention of pollution

### **Condition 9**

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: The prevention of pollution

### **Condition 10**

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: The prevention of pollution

### **Condition 11**

If, during development, any contamination is encountered that has not been identified previously then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. 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: The prevention of pollution

### **Condition 12**

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

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

Reason: The prevention of pollution

### **Condition 13**

No development shall commence until;

- a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that any land instability as a result of past coal mining operations is adequately addressed

### **Condition 14**

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that any land instability as a result of past coal mining operations is adequately addressed

### **Condition 15**

Notwithstanding the details shown in the plans, prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the C2206 road.

Reason: In the interests of highway safety

### **Condition 16**

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

Reason: In the interests of highway safety

**Condition 17**

The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 15 metres from the edge of the carriageway.

Reason: In the interests of highway safety

**Condition 18**

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole C2206 Road frontage within 2.4 metres of the near edge of the carriageway.

Reason: In the interests of highway safety

**Condition 19**

The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety

**Condition 20**

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

Reason: In the interests of highway safety

**Condition 21**

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

Reason: In the interests of highway safety

**Condition 22**

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 23**

No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains unless a specific SAB Approval is granted for such a connection.

Reason: In the interests of highway safety

### **Condition 24**

No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter to be implemented in full and as agreed.

Reason: In the interests of highway safety

### **Condition 25**

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 26**

Prior to the occupation of any part of the development, a management strategy for the maintenance of all areas of formal and informal open spaces shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be carried out thereafter as approved.

Reason: To ensure that the landscaped, woodland areas and play areas are adequately maintained.

### **Condition 27**

Notwithstanding the provisions of Classes E & F of Part 1, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended)

- a) no building or enclosure, raised platform, swimming or other pool;
- b) no container used for domestic heating purposes for the storage of oil or liquid petroleum gas and
- c) no hard surface

shall be constructed within the rear curtilages of Plots 1, 2 & 3 without the prior written permission of the Local Planning Authority.

Reason: To prevent development within garden areas liable to flooding

## Notes / Informatives

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

The proposed development complies with Policies SP1, SP2, SP3, SP5, SP6, SP14, SP17, GP1, GP2, GP3, GP4, H2, AH1, TR2, TR3, TR4, EQ4, EQ5, EP1, EP2, EP3 and REC2 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed development is located in a sustainable location within the development limits of Llanelli; appropriate provision is made for affordable housing, education and Parks/Leisure facilities; would have an acceptable scale and design and would not have an adverse impact on the character and appearance of the site or area within which it is located. In addition, there are no significant adverse effects to residential amenity, biodiversity, drainage or highway safety.

### 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**

Reptiles are protected under the Wildlife and Countryside Act 1981. The adder, grass snake, common lizard and slow worm receive protection under the Wildlife and Countryside Act from killing and injury. A sensitive clearance strategy for reptiles should therefore be prepared by a competent ecologist prior to the commencement of any works and the strategy implemented.

### **Note 4**

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property will result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coalmine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coalmine-on-your-property)

### **Note 5**

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.

**APPLICATIONS RECOMMENDED FOR REFUSAL**



<b>Application No</b>	<b>PL/04027</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Proposed Local needs 3/4 bed detached dwelling house, with 3 parking spaces, internal road, upgrading of existing field access and accompanying site works. These proposals will require a change use of agricultural land to C3 Dwelling house
<b>Location</b>	Land opposite Sparrows Nest, Whitland, SA34 0LG

<b>Applicant(s)</b>	Mr & Miss J & H Thomas & Wilson
<b>Agent</b>	Mr Gerald Blain - Gerald Blain Associates Limited
<b>Officer</b>	Charlotte Greves
<b>Ward</b>	Llanboidy
<b>Date of validation</b>	20/05/2022

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Dorian Phillips, Local Member for the Llanboidy Ward and member of the planning committee.

## Site

The site is located on the northern side of the Abbey Road, opposite the Roadhouse Restaurant and approximately 1.2 miles from the centre of Whitland. The site is within a larger agricultural field used for livestock grazing (sheep). The enclosure is triangular in shape and is bound on all sides by mature hedgerows. The eastern boundary runs parallel with the Llanboidy Road, which leads south to the A40. Generally, the enclosure gently slopes from Northeast to Southwest, with the lowest point of the site in the southwestern corner.

## Proposal

Full planning permission is sought for the erection of a two storey, detached dwelling within the south western corner of the agricultural field together with the creation of a new vehicular access. The application is supported by information to demonstrate that the dwelling is intended to meet a local need for affordable housing.

Externally, the property is proposed to be painted render with a stone clad porch/gallery. Fenestration will be double glazed coloured UPVC or powder coated aluminium and the roof will be covered with traditional slate. The proposed internal layout of the property will provide a four-bedroom dwelling set over two floors. The ground floor will consist of a kitchen, W.C, Snug, Utility and Living Room. The first floor will provide three bedrooms, bathroom and office/bedroom.

Access to the proposed dwelling would be provided via a proposed driveway leading from a new access to be created off the Abbey Road and to the north west of the existing field gate access. Visibility in both directions is to be provided which will require the translocation of a section of the existing hedgerow. Parking and turning for three cars is proposed to be provided outside the property. The drive and parking area is proposed to be constructed in a permeable block paving. The sloping site is proposed to be recontoured to provide a level plot for the dwelling, and the land retained by using banks, retaining walls and additional landscaping is to be provided as shown on the submitted drawings.

Surface water drainage is proposed to be dealt with via a sustainable drainage system to be designed by a suitably qualified engineer and submitted for approval as part of a SAB application. Foul water is proposed to be disposed of via a new package treatment plant.

## Planning Site History

There is no relevant planning history.

## Planning Policy

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

SP1 Sustainable Places and Spaces

SP3 Sustainable Distribution- Settlement Framework

GP1 Sustainability and High Quality Design

AH3 Affordable Housing – Minor Settlement in the Open Countryside

TR3 Highways in Developments – Design Considerations

[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

**Highways and Transportation** – No objection subject to conditions.

**Llanboidy Community Council** - No observations received to date.

**Local Member(s)** – Cllr Dorian Phillips, Local Member and Member of the Planning Committee has requested that the application be considered by the Planning Committee on the basis that the development would meet a local need.

**Natural Resources Wales** – No objection to the proposals.

**Sustainable Drainage Approval Body** – No objection. SAB approval required.

**Valuations Manager** – Objects to the proposal on the grounds that the scale of the proposed dwelling is not compatible with that of an affordable dwelling.

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

## Summary of Public Representations

The application has been the subject of notification by way of a site notice. No third party representations were received as a result.

## Appraisal

### Affordable Housing

LDP Policy AH3 is permissive of affordable housing for a single dwelling 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). The acceptability of such a proposal is also subject to, amongst other things, the development not resulting in ribbon development or perpetuating existing ribbon development and the dwelling remaining affordable for subsequent occupants and related to that being of a size affordable to low or moderate income groups.

With regards meeting the local needs definition, information submitted with the application states that the intended occupants have lived in Whitland for many years with both in full time occupation in the local area, with Mr Thomas a local primary school teacher. The applicants wish to move from their current property to a larger property to meet the needs of their young family but have not been successful in finding a suitable property within their budget due to rising house prices. As such, the option of building their own home on land already within family ownership has arisen. In general it is considered that the case put forward meets with the local need definition included within the LDP.

In terms of the site's location, it is not within the development limits of Whitland but is rather a site located in the corner of an agricultural field immediately opposite and south of a group of buildings and to the north of the A40(T) and the settlement of Whitland. The group of buildings comprise the Roadhouse Restaurant, Ivydene Garden Centre and a cluster of four dwellings. Whilst the application site comprises a countryside location that is severed from the settlement of Whitland by the A40(T), the site is opposite and adjacent to a group of existing buildings that are close to the existing settlement. Therefore, it is considered that the site can be considered a minor extension to a group of buildings that would not result in ribbon development or perpetuate existing ribbon development as required by criterion (a) of Policy AH3 of the LDP.

In terms of the remaining criteria of Policy AH3, namely (b), (c) and (d), the property is described as a 3 bedroomed property, however, as there is a study on the first floor which could be utilised as a bedroom, the proposed dwelling is therefore considered to comprise a substantial two storey, four bedroom property sited within a large plot. 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 which has been discussed with the applicants who have confirmed that they are willing to enter into such an agreement.

Nonetheless, the floorspace of the dwelling would amount to approximately 220m<sup>2</sup>. The Welsh Development Quality Requirements 2021 (DQR) for a 7 person 4 bedroomed affordable home is 114m<sup>2</sup>. The property would therefore be nearly twice the size of the DQR for a 4 bedroomed home and as such it is considered that the size and scale of the property is considered to be in excess of what might be considered appropriate for an affordable home to meet local need and is therefore unlikely to be financially manageable to those on low or moderate incomes. The Local Planning Authority has a duty to ensure that any Local Needs Dwelling meets the size requirements in order to ensure that a supply of local needs dwellings is available to future generations that meet with the requirement.

Officers have discussed the proposal with the applicants who have been given the opportunity to reduce the scale of the dwelling to bring this more in line with a local needs dwelling that would be affordable to those on low to moderate incomes but have declined to do so.

The proposed development, therefore, cannot be reasonably considered to be an affordable dwelling and as such conflicts with Policy AH 3 of the LDP.

Impact on character and appearance of the area

Whilst the scale of the dwelling is considered too large in terms of its appropriateness as an affordable dwelling, it is considered that the scale of the dwelling is acceptable having regard to its impact upon the character and appearance of the area and in consideration of the scale of the nearest dwellings.

### **Highway Safety**

Access to the proposed dwelling would be provided via a proposed driveway leading from a new access to be created off the Abbey Road and to the north west of the existing field gate access. Visibility in both directions is to be provided which will require the translocation of a section of the existing hedgerow. Parking and turning for three cars is proposed to be provided outside the property. The drive and parking area is proposed to be constructed in a permeable block paving. The Highway Authority has been consulted on the application and has no objection to the access proposals subject to a series of recommended conditions.

### **Planning Obligations**

If planning permission were to be granted, a S106 would be required to ensure that the property remained as a local needs dwelling in perpetuity.

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

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

### Conclusion

After careful consideration of the scheme as submitted it is concluded that the scale of the dwelling is not compatible with an affordable dwelling that would be available to those on low to moderate incomes and as such it is not considered that the initial affordability would be retained for all subsequent occupants and future generations in need of local needs dwellings in the locality. The application therefore is not in compliance with Policy AH3 of the Carmarthenshire Local Development Plan 2014 and is recommended for refusal on the below grounds.

### RECOMMENDATION - Refusal

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### Reasons

#### Reason 1

The proposal is contrary to Policy AH3 (Affordable Housing - Minor Settlement in the Open Countryside) of the Adopted Carmarthenshire Local Development Plan (2014) in that the scale of the dwelling proposed is not considered to be compatible with that of an affordable dwelling that could, in the future, be available to those on low or moderate incomes.

### Notes / Informatives

#### Note 1

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.

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