

**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**

29/02/2024

**I'W BENDERFYNU
FOR DECISION**

Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.

COMMITTEE:	PLANNING COMMITTEE
DATE:	29.02.2024
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/04067	Construction of 14 no. affordable residential dwellings (exception site) with associated infrastructure works at Land off Cilycwm Road, Llandovery, SA20 0DU
PL/05187	The erection of new residential dwellings, vehicular access, open space and other associated infrastructure at Land at Cefncaeau, Llanelli
PL/06479	One Planet Development comprising one cabin, one woodstore, one weaving workshop, one greenhouse and workshop, one storage shed, solar array, vegetable plot including fruit cage, orchard, two coppices, withybed and meadow at Land opposite Ty Derwen, Penybanc, Llandeilo, SA19 7TA
PL/06651	Change of use of existing public house to residential dwelling at Tafarn Y Deri, Ebenezer Road, Llanedi, Swansea, SA4 0YT

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
PL/06529	Local Need Dwelling (Re-submission of PL/04500 Refused on 18/10/2022) at Land at Old Hunt Kennels, Llandybie, Ammanford, SA18 3NX
PL/06880	Construction of dwelling (Resubmission of PL/05554 Refused on 14/08/2023) at Land at 60 Heol Y Felin, Pontyberem, Llanelli, SA15 5DB

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/04067
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Application Type	Full planning permission
Proposal	Construction of 14 no. affordable residential dwellings (exception site) with associated infrastructure works
Location	Land off Cilycwm Road, Llandovery, SA20 0DU

Applicant(s)	Carmarthenshire County Council
Agent	Mr Robert Davies Asbri Planning Ltd
Officer	Kevin Phillips
Ward	Llandovery
Date of validation	26/05/2022

Reason for Committee

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

Site

The application site is a 0.48 ha parcel of land that was previously the recreational sports/play area for the former Pantycelyn Secondary school (now the new Llandovery Primary school). The land is no longer utilised as a recreational area for the school as there is land to the west of the Primary school that serves this purpose.

The site along Cilycwm Road, adjacent to Llandovery's settlement limits with residential properties to the south, the aforementioned former recreational land to the east with an existing gates entrance, and the Heart of Wales railway line running southwest-northeast to the north, with trees lining the embankment of the said railway line. The Nant Bawddwr runs along the northern boundary of Llys Llanfair housing estate and then becomes culverted behind Dan y Allt (7a Cilycwm Road) and Trefin adjacent, to run along Cilycwm Road to the south.

Proposal

The application is a Carmarthenshire County Council proposal that seeks full planning permission for 14 affordable homes, which was amended from the previous 12 affordable houses in November 2023. All of the dwellings are proposed to be affordable housing and considered under Policy AH2 exceptions as a site outside, but immediately adjacent to the settlement. The application site proposes an access road approximately 20 metres from the adjacent dwelling to the South (Dan yr Allt, 7a Cilycwm Road), and the estate highway therein runs approximately 20 metres before turning to the North to serve the 14 dwellings. The estate highway has access to the former recreational field at the Northern end of the housing estate and at the Southern end, directly opposite the proposed main accessway.

The scheme is designed to Development Quality Requirements (DQR) for affordable housing. The applicant has a significant housing grant for the scheme from the Welsh Government, subject to planning permission being approved. The Housing scheme will include 3 pairs of semi-detached houses at the rear of the site (2 pairs of 2-bedroom houses and 1 pair of 3-bedroom houses), 1 pair of 2-bedroom bungalow style dwellings above the turning head at the Northern end of the site, and 1 pair of semi-detached 2-bedroom houses and 4 x 1-bedroom flats fronting Cilycwm Road. Foul water is proposed to use the existing sewer main connection along Cilycwm Road.

Planning Site History

None.

Planning Policy

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

SP1 - Sustainable Places and Spaces
SP2 - Climate Change
SP16 - Community Facilities
SP18 - The Welsh Language
GP1 - Sustainability and High Quality Design
GP2 - Development Limits
GP3 - Planning Obligations
H2 - Housing within Development Limits
AH1 - Affordable Housing
AH2 - Affordable Housing – Exceptions Sites
EMP1 - Employment – Safeguarding of Employment Sites
TR3 - Highways in Developments - Design Considerations
EQ4 – Biodiversity

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

Summary of Consultation Responses

Head of Transportation & Highways – Any permission shall be subject to 10 recommended conditions.

Head of Leisure Services – No comments received to date.

Llandovery Town Council - Whilst Llandovery Town Council are pleased to welcome any Affordable Housing Development taking place in Llandovery and fully support this application, they have also expressed their concerns that the proposed siting of this small estate is in a location that once previously experienced flooding, (due to an apparent blockage to the 'Bawddwr' stream which flows under the town). They trust that CCC will take all precautions to ensure that the new development will not be affected by future local flooding.

Local Member – No comments received to date.

Public Protection (Noise) - It is proposed that any permission shall be subject to the application of 2 conditions in terms of noise emitted from the operation of the proposed development.

Public Protection - Any permission shall include a condition in terms of dust suppression during works at the site.

Education - Will not be seeking any S106 contribution from this planning application as it is an affordable housing development.

Housing Services - The Housing Service can confirm that the ward of Llandovery is an area of high housing need. There is under-supply of social rented homes across all house types in the Llandovery ward and surrounding area, which results in people in urgent housing need having to wait an unacceptable length of time to be homed in suitable accommodation.

This is a Carmarthenshire development of 14 units of 100% social rented homes which is required to help meet identified housing need in the area. This will be best met by providing a mix of 1, 2, and 3 bedroom homes complying with the WDQR space standards, which this development will deliver.

Mid and West Wales Fire & Rescue Service - The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

Cadw - Scheduled monument CM015 Llandovery Castle is located some 735m south of the application area but intervening building and vegetation block all views between them. Consequently, the proposed development will have no impact on the setting of scheduled monument CM015. Scheduled monument CM188 Llandovery Roman Site is located some 240m west-north-west of the proposed development. The potential for archaeological features associated with this fort has been considered in a desk-based historic environment assessment and a subsequent geophysical survey of the area by the Dyfed Archaeological Trust. These works have not indicated that there are any archaeological features in the proposed development area but considered that its impact on the setting of the scheduled monument should be considered once the design was finalised. A separate assessment of

the impact of the proposed development on the setting of the scheduled monument has not been carried out, but sufficient information has been provided to determine that views between the development and the scheduled monument will be extensively screened or even blocked by existing vegetation. If views are possible then the proposed development will be seen as an extension of the existing settlement along Cilycwm Road and with the railway embankment and trees behind it. As such, whilst there is a possibility that there may be a very slight visual change in the view from the fort, this will not have any effect on the way that it is experienced, understood and appreciated. Consequently, the proposed development will have no impact on the setting of scheduled monument CM188.

Dyfed Archaeological Trust - It is considered there is potential for archaeological features to be preserved within the proposed development area, masked from the geophysics survey by the importation of soil during previous landscaping/levelling works. We do not consider this to be a material constraint on development but recommend that an archaeological condition should be attached to consent if forthcoming.

Network Rail - Response to re-consultation on revised plans awaited.

Dwr Cymru/Welsh Water – Has no objection to the proposal and confirms that the Wastewater Treatment Works at Llandovery now has a 5mg/l (backstop) phosphorus consent limit.

The developer has indicated that foul flows are to be disposed of via the public sewerage system and there is no objection in principle to the foul flows discharging to the public sewer. Whereas the application specifies the proposed method of surface water disposal to be via a sustainable drainage system and therefore to ensure there is no detriment to the public sewerage system it is requested that should the Authority be minded to grant planning permission a Condition in terms of surface water and/or land drainage not being allowed to connect to the public sewerage network is required to be added.

Natural Resources Wales – Continue to have concerns with the application and object to the planning application because there is flood risk from a section of the site along and adjacent to the southern boundary located within DAM Flood Zone C2, which includes the access route into the development site. The new Flood map for Planning (FMfP) shows an increased risk of flooding than the current DAM predictions; with access to the site remaining at risk, with approximately three of the properties falling in Flood Zone 2 and 3, (rivers). During the 1% Annual Exceedance Probability (AEP) plus climate change event: flooding is predicted to the site, depths of 100mm expected, which does not comply with Technical Advice Note (TAN)15, A1.14.

During the 0.1% AEP event: flooding is predicted to the site, depths of approximately 100mm expected, complies with TAN15, A1.15.

It is proposed to raise Finished Floor Levels (FFL) of the proposed development plots to 68.02m Above Ordnance Datum (AOD) or greater which is above expected flood levels, and so the properties will remain flood free during the 1% AEP + climate change, and 0.1% AEP event.

The FCA acknowledges that the only access and egress to the proposed development is expected to be regularly flooded by shallow flood waters during flood events (on the Cilycwm Road). Flood depths of below 200mm are predicted during 1% AEP event on this road, access may be maintained to some vehicles only. Further along at the junction of Cilycwm Road and New Road/Llanfair Road flood depth increased up to 250mm.

Maximum predicted velocities along the Cilycwm Road are in excess of 0.7m/s which does not comply with TAN15 tolerable conditions A1.15. Velocity reduces to 0.30m/s at the junction of Cilycwm Road and New Road/Llanfair. The FCA states that safe refuge may be the preferable option for residents during flood events, and that a Flood Action Plan is developed for use by the future occupants of the site, and also that residents sign up to NRW's Flood Warning System. It is for your Authority to consider safe access/egress at the proposed site.

The FCA states that as the proposed properties and gardens (majority of), are sited in DAM Zone A, there will be no increase in flood risk to third parties. This conclusion is accepted.

Section 4.4 of the FCA considers that flood compensation may be required if it is necessary to raise ground levels in areas at risk of flooding, if for example to deliver highway infrastructure. We ask that if further ground level changes are required, that any flood compensation proposals are provided to us so we can review and assess for flood risk to the development and third parties.

The proposed site is located approximately 14 metres from a minor watercourse. Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of waste during the construction phase. Therefore, it is recommended that a detailed Construction Environmental Management Plan (CEMP) is conditioned. This should include site-specific measures which will be put in place to prevent pollution to the surrounding land and water environments.

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

Summary of Public Representations

The application was the subject of consultation by way of Site and Press Notices. 3 representations were received during consultation, 2 objecting to the proposal and 1 wishing their comments to be considered. The matters raised are summarised as follows:

- Concern regarding the proposed development impacting flooding levels in the locality and Nant Bawddwr.
- The proposed development will have consequences for the nearby residential properties.
- Tress should be planted to encourage biodiversity and preserve privacy.
- The lighting at the site should not have a detrimental impact on local residents.
- Concern regarding the highway traffic generated along Cilycwm road and the close proximity to the bend in the highways to the North at the railway bridge.
- Concern regarding the flats and the social aspect of this proposal on the Community and the Welsh language.

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

Appraisal

Principle of Development

The proposal seeks to change the use of a former school recreational area for the erection of 14 no affordable dwellings. The site is located outside, albeit adjacent to the settlement limits for Llandovery. Policy AH2 of the LDP refers to exception sites for affordable housing schemes being acceptable where justified. The Housing Service has confirmed in response to the application, that the ward of Llandovery is an area of high housing need. There is under-supply of social rented homes across all house types in the Llandovery ward and surrounding area, which results in people in urgent housing need having to wait an unacceptable length of time to be homed in suitable accommodation.

The proposal is for of 14 no. of 100% social rented homes, a mix of 1, 2, and 3 bedroom homes complying with the WDQR space standards. The proposal therefore directly seeks to help meet the urgent housing needs of the area. The housing units are affordable and there are Development Quality Requirements (DQR) that have to be applied in order to get the housing grant and the layout has been designed in order to comply with these standards. It is considered that whilst gardens are relatively small, there is sufficient space to satisfy the DQR and they are considered fit for purpose. The scheme has been designed to accommodate an appropriate affordable housing need locally. It is therefore considered that sufficient justification has been put forward to conclude that the principle of development, having regard to Policy AH2, is acceptable subject to other material considerations.

Impact upon character and appearance of the area

The application site is part of a former recreational field that served the needs of a former Secondary school (now the new Llandovery Primary school). The land is no longer utilised as a recreational area for the school as there is land to the west of the Primary school that serves this purpose. Whilst the site is an open area of land between the railway line and housing to the South, it is considered that this site is appropriate for residential development of this nature and the development at this location in between the railway line and the existing housing along Cilycwm Road will not unacceptably harm the character and appearance of the area and rather represents a logical extension to the existing settlement. The site is designed as such to accommodate an area of flooding to the southern lower end of the site where the accessway into the site is to be developed, wherein the proposed 14 houses are focussed away from this flooded area, on higher ground, closer to the railway line. This allows for a break in the built frontage with approximately 22 metres between the existing dwelling at 7a Cilycwm Road and the closest proposed frontage dwelling, and 13 metres between the closest rear dwelling, set back approximately 26 metres from the highway. The design, scale, materials, and appearance of the dwellings at this location in Llandovery is appropriate, as the existing dwellings along Cilycwm road are primarily modern dwellings with a mixture of designs, scale and materials and therefore the proposal will not appear to be out of keeping in the locality.

Flooding

NRW have raised concern regarding the development being partly within a C2 flood area. . The C2 flood area at the application site is along the Southern extent of the site and in consideration of this limited flood impact upon the highway that enters the site. It is considered that whilst it is acknowledged that TAN15 conveys that no residential development is to be authorised in C2 flood areas, on the grounds of highly vulnerable

development protection, in this application there are no proposed dwellings to be sited within the C2 flood zone.

The FCA acknowledges that access and egress to the site are expected to be regularly flooded. The FCA suggests, which the applicant now confirms, that access is managed through safe refuge within the site and via a Flood Action Plan. The acceptability of this mitigation measure is a matter for the Local Planning Authority to decide upon, and it has been determined that this is an acceptable proposal having regard to the circumstances of this particular case and a planning condition is to be added to ensure that a Flood Action Plan for flood emergency response is submitted and approved.

It is acknowledged by NRW that only a small area in the southern part of the site is within Development Advice Note (DAM) Zone C2 and that the dwellings are not, however, access to the site is at risk of flooding. The new FMfP is the most up to date data on flood risk and it shows the site to be at an increased risk of flooding near to the site access which includes the garden areas of properties. However, the finished floor levels of the dwellings are to be raised as is recommended in the Flood Consequences Assessment (FCA) and as such the properties themselves will remain flood free and therefore comply with TAN15.

It is considered that for Llandovery there is an overriding reason on grounds of affordable housing provision need, and whilst it is acknowledged that part of the site (the accessway) is affected by flooding and as such may hinder access, it is considered that suitable mitigation measures in the form of flood management plans have been put forward which, when balanced against the urgent need for affordable housing in the area, is a suitable compromise to adequately mitigate risk to the occupants of the properties.

Drainage Impacts

The scheme is subject to a sustainable drainage scheme which will need to be approved by the SAB team before any development commences on site. An under drained swale and geocellular infiltration tanks are proposed for the surface water drainage strategy, which will need to be fit for purpose. Surface water from the houses and road is proposed to be directed to the proposed pond and tanks and do not add to the flow in the water course.

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

It is also advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB. An advisory note is to be added to any approval.

Highway Impacts

The Head of Transport has no objection to the scheme for 14 new houses, with the new access, traffic generated, and parking considered acceptable, subject to the application of conditions to any permission granted.

Privacy

It is considered that there is a reasonable distance from the housing units to the houses to the South along the highway, and there is not likely to be an unacceptable overbearing impact or loss of privacy.

Ecology Impacts

The site is located within the River Tywi Phosphate Sensitive Catchment Area where the LPA is required to ensure that there is no significant impacts arising from the development by way of increased phosphates entering the catchment area. The application site is to be served by the mains sewer. Confirmation has been received from DCWW, confirming that the permit notification has been issued for Llandovery WwTW. This confirms that the WwTW can accommodate the proposed development and remain compliant within the consent limit.

Under Article 6(3) of Habitats Regulations where new connections to the mains can be accommodated and resultant discharges from the associated WwTW remain compliant with P limits on the reviewed permit, a conclusion of no Likely Significant Effect may be drawn. In light of Dwr Cymru's response, the LPA has completed an Appropriate Assessment which has been scrutinised by NRW and has concluded that there will be no significant impact on the river Tywi SAC.

A Landscape and Ecological Management Plan and accompanying Green Infrastructure Statement is required to be conditioned to protect and enhance biodiversity interests at the site. In addition, a pre-commencement condition in relation to external lighting at the site is also required to be applied to any planning permission.

A sensitive clearance strategy for reptiles, as recommended in section 5.4 of the Preliminary Ecological Report by Bay Ecology is to be prepared by a competent ecologist and submitted to the LPA for consideration prior to the commencement of any works and the strategy implemented as approved.

Planning Obligations

The site is proposed to have 14 new affordable dwellings and there is no requirement for any financial contributions for a development of this nature which has significant social gain. As this is a County Council application and as such we are unable to enter into a Section 106 ourselves, condition 3 is imposed to ensure that the dwellings remain for affordable housing purposes in perpetuity, albeit this is also controlled by default via the social housing grant for the site.

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 the proposal has been adapted to make the best use of the existing land and the design and appearance is considered to be acceptable at this location. The proposal is a significant rural affordable housing scheme in an area which is said to be in local housing need. The housing section support the proposal stating that there are currently significant delays in finding families affordable homes in the Llandovery area.

The site is in the River Towy SAC catchment area, which is affected by the phosphate issue, however the 5mg/l (backstop) phosphorus consent limit is applicable at the Llandovery Wastewater Treatment Works and the Appropriate Assessment has concluded that there will be no significant impact on the river Tywi SAC. In addition, whilst part of the site floods in the C2 flood zone, this is an area of land covered by an accessway at the site and not the housing units themselves and it is proposed that a flood evacuation plan is submitted for approval prior to commencement of the development.

The recommendation is that the committee resolves to approve the proposal subject to conditions.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

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

Condition 2

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

- Proposed Drainage Strategy (8841-159-CCC-DR-PA08 Rev F), received 11 January 2024
- Biodiversity and Ecological Enhancement Plan (8841-159-CC-DR-PA09-Rev G), received 11 January 2024
- Proposed Site Plan (8841-159-CC-DR-PA02, vF), received 11 January 2024
- Proposed Landscape Plan (8841-159-CCC-PA07, Rev G), received 11 January 2024
- Arboriculture Report-ArbTS Ltd- 7 November 2023, received 23 November 2023
- Drainage Strategy Technical Note, received 23 November 2023
- Existing Location and Block Plan (8841-159-CCC-DR-PA01), received 23 November 2023
- Site Section Plan (8841-159-CCC-DR-PA06 Rev A), received 23 November 2023
- Updated Walkover Survey-Ecology Report-07/11/23, received 23 November 2023

- Proposed 3 Bed Properties (Type A) (8841-159-CCC-DR-PA03 Rev A), received 23 November 2023
- Proposed 2 Bed Properties (Type B) (8841-159-CCC-DR-PA04 Rev A), received 23 November 2023
- Proposed 1 Bed Apartments (Type D) (8841-159-CCC-DR-PA10), received 23 November 2023
- Proposed 3 Bed Properties (Type A) (8841-159-CCC-DR-PA03 Rev A), received 23 November 2023

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 (i.e. not including the converted School House);
- 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

Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the C2156 / Cilycwm road.

Reason: In the interests of highway safety in accordance with Policy TR3 of the LDP.

Condition 5

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 in accordance with Policy TR3 of the LDP.

Condition 6

The means of gated vehicular access into the site at the far south-western boundary shall be permanently stopped up, and the public highway reinstated to the written approval of the

Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.

Reason: In the interests of highway safety in accordance with Policy TR3 of the LDP.

Condition 7

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

Reason: In the interests of highway safety in accordance with Policy TR3 of the LDP.

Condition 8

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

Reason: In the interests of highway safety in accordance with Policy TR3 of the LDP.

Condition 9

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 in accordance with Policy TR3 of the LDP.

Condition 10

Prior to the beneficial occupation of the development herewith approved an uncontrolled pedestrian crossing point shall be provided along Cilycwm Road. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.

Reason: In the interests of highway safety in accordance with Policy TR3 of the LDP.

Condition 11

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 in accordance with Policy TR3 of the LDP.

Condition 12

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

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

Condition 13

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 14

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 15

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

The CEMP should include:

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

General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.

Soil Management: details of topsoil strip, storage and amelioration for re-use.

CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.

Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use

Traffic Management: details of site deliveries, plant on site, wheel wash facilities

Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

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

Condition 16

No development or site clearance shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following: -

- i) Clearly mapped definition of all areas subject to transfer to future private ownership and management responsibility, and those to be maintained and managed as part of the LEMP including a GIS shape file of LEMP boundaries to enable monitoring of ongoing Net Benefit for Biodiversity planning policy objectives.
- ii) A report detailing the management objectives for all landscape and ecological elements and areas retained or translocated; and new elements installed, constructed, planted or seeded as part of the Landscape plan.

The report shall provide clearly defined proposals and sufficient information to assure effective delivery of the identified objectives, and include, specifically: -

- maintenance and management proposals for the establishment phase (years 1-3 after implementation);
- and long term (years 4-25 after implementation).
- plans, specifications, schedules, and timescales.

- proposals for monitoring the effectiveness of the delivery of all landscape and ecological objectives (years 1-25 after implementation)
- timescales for monitoring reviews and reactive identification of any remedial operations, rectification of defects, or required changes to maintenance and management operations, and the mechanism for their implementation.
- details of the management agent (body or organisation) responsible for implementation of the LEMP; and the legal and funding mechanism(s) by which delivery of the LEMP will be secured.

The LEMP shall be fully implemented in accordance with the approved details.

Reason: To ensure the future management and monitoring of the landscaping and ecological proposals provided as part of the development and the delivery of a Net Benefit for Biodiversity.

Condition 17

Prior to the commencement of development on the site, an external lighting scheme shall be submitted for the consideration and written approval of the local planning authority. The scheme shall take into account all of the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas (see Guidance Note 08 Bats and Artificial Lighting at Night, Bat Conservation Trust and the Institution of Lighting Professionals, 2023).

The scheme shall include:

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole.

The lighting scheme shall be implemented and thereafter operated in accordance with the approved details.

Reason: In the interest of protecting wildlife.

Condition 18

Prior to the commencement of any development on site, a sensitive clearance strategy for reptiles, as recommended in section 5.4 of the Preliminary Ecological Report by Bay Ecology dated 28th October 2020, shall be submitted by a qualified Ecologist and submitted for approval. The works shall be carried out in accordance with the approved details.

Reason: In the interest of protecting wildlife.

Condition 19

Prior to the commencement of the development hereby approved a Flood Action Plan for flood emergency response shall be submitted for approval by the Local Planning Authority. The Plan hereby approved shall be adhered to in perpetuity.

Reason: In the interest of the living conditions of local residents.

Condition 20

The rating level of the noise emitted from operation of the proposed development shall not exceed 34 dB LAeq(15 mins) between 07:00 and 23:00 or 20dB LAeq(15 mins) between 23:00 and 07:00. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142 and/or its subsequent amendments. The noise rating level of the proposed plant should be assessed in accordance with BS 4142:2014+A1:2019 by a Suitably Qualified Acoustician to ensure the above criteria are met. These criteria require corrections for tonality, impulsivity and intermittency to be included in the analysis.

Reason: In the interest of protecting the living conditions of local residents.

Condition 21

At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142 and/or its subsequent amendments to determine whether noise arising from development exceeds the level specified in condition 1 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 20 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 20. The development shall then be undertaken in accordance with the approved details.

Reason: In the interest of protecting the living conditions of local residents.

Condition 22

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

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

Notes / Informatives

Note 1

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter. In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

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

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

Note 2

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

Note 3

If the applicant intends to offer the proposed estate road for adoption to the highway Authority under Section 38 of the Highways Act 1980, then he is advised to contact the Authority's Highways Adoptions officer Mr Gary Clarke, at the earliest opportunity.

Note 4

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

Note 5

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

Note 6

The Sustainable Drainage Approval Body (SAB) has identified that this project application requires a full SuDS Application. Therefore, the development, as required under Schedule 3 of the Flood and Water Management Act 2010, must implement SuDS infrastructure in accordance with Statutory SuDS Standards. As such, a full SuDS application for this

development must be submitted for assessment and approved by SAB at Carmarthenshire County Council before any works start on site.

Application No	PL/05187
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Application Type	Outline planning consent - some matters reserved
Proposal	The erection of new residential dwellings, vehicular access, open space and other associated infrastructure
Location	Land at Cefncaeau, Llanelli

Applicant(s)	c/o agent c/o agent Tata Steel
Agent	Mr Gareth Barton - Turley
Officer	Hugh Towns
Ward	Llwynhendy
Date of validation	23/12/2022

Committee Report Update

The application was reported to the meeting of the Planning Committee on 1st February 2024 where it was deferred to enable Members to undertake a site visit to consider issues of traffic safety and biodiversity, subject to a risk assessment by the Head of Place and Sustainability.

Part 5.2 of the Code of Conduct for Councillors and Officers in Planning Matters states that Committee site inspections are fact-finding exercises to enable Members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting. The sole purpose of site inspections is to allow Members to look at the site and its surroundings. Members shall only make such visits where the Planning Committee cannot otherwise make an appropriately informed decision and the inspection would have substantial benefit. The Head of Place & Sustainability will present G.I.S and photographic evidence in appropriate applications to avoid unnecessary sites visits.

In terms of the Committee Members viewing the proposed access point, this has been referred to the Lead Business Partner (Health & Safety). The Lead Business Partner (H&S) recommends that due to the location of the proposed access the site visit be undertaken virtually using existing footage and available applications such as Google Street View which provides clear siting of the area or liaise with Highways Inspectors to obtain the latest video

footage taken of their inspection of the road, this would eliminate all risks to staff and members of the committee.

If Members consider a site visit is essential to gather further information not visible using virtual methods, then as a minimum, risks would need to be mitigated by traffic lights and the closure of one lane of traffic at the access point, use of specific safety vehicles and qualified drivers, attendance by trained highway personnel and appropriate safety briefings would be necessary.

Other elements to consider if the site visit were to be undertaken would be the weather conditions and visibility on the day of the visit, emergency procedures if an accident / incident occurred, liaising with the Street-works team to ensure no planned work is being undertaken on that stretch of road on the day of the visit, supporting documentation that requires development (risk assessments, procedures, safety briefings etc.) and the impact on other highway users (so timing it outside of busy periods etc).

In terms of viewing the biodiversity of the site, none of these matters require a site visit even though they are material considerations in the determination of the application. Members would see two wet fields set to pasture, hedgerows and a ditch. Additional photographs have been added to the presentation to provide further detail in relation to these features.

The advice of the Head of Place & Sustainability is that a site inspection would not have any substantial benefit and is not necessary in order to determine the application. Additional photographic evidence has been provided to show the access location and the two grass fields, there would be a significant direct financial cost to the public purse of in excess of £2,500 to provide the mitigation for the highway safety risks and there would also be indirect cost to the community and businesses from the disruption associated with the required lane closure.

Reason for Committee

This application is being reported to the Planning Committee following the receipt of seven or more objections from different households and following a call-in request by Cllrs Sharen Davies and Jason Hart. It should be noted that both councillors have requested a site visit by the Planning Committee on the following grounds:

- detrimental impact on the Wildfowl & Wetland Centre
- clearing the land would result in the loss of nesting sites and habitats for birds, newts and water voles
- introduction of pollutants into water bodies
- traffic and increased risk of accidents
- increased noise and air pollution
- pressure on existing infrastructure such as drainage systems.

Site

The application site is situated north of the A484 approximately 2.5km from the town centre. The site extends to approximately 4.08 hectares and comprises two field parcels characterised by rough grassland and scrub, enclosed by areas of woodland.

The field parcels are divided by overgrown hedges. The site levels are highest along the northern boundary of the site and levels generally fall in a southerly direction. Ground levels are approximately 12.34m AOD at the highest point along the northern boundary of the site and fall to 3.51m AOD in the south of the site.

The site is bounded by residential dwellings to the north (on Tir Einon and Parc Gitto), and an area of public open space (Tir Einon Park). The south western boundary is formed by the A484, beyond which is the Trostre Works operated by Tata Steel. Further greenfield land within the control of Tata Steel lies to the south.

Overhead electricity lines cross the northern field parcel, orientated north-west to south-east. A water main also crosses the site in a north west to south east direction.

Access to the site is currently gained via a field gate from Erw Las (via wider land within Tata Steel's control to the east). The site is accessible to pedestrians via a public right of way from Parc Gitto (ref: 36/130).

The Dafen Pil, an NRW designated Main River, flows in a south-westerly direction approximately 125m south of the site. Several tributaries flow into the Dafen Pil including a small drainage channel present along the western boundary of the proposed development site. These watercourses are designated as ordinary watercourses and link the site to the Carmarthen Bay and Estuaries Special Areas of Conservation (SAC) and Burry Inlet and Loughor Estuary SSSI, Ramsar and Proposed SAC. The Wildfowl and Wetlands Centre lies approximately 700m to the south.

Proposal

The application seeks outline planning permission for the erection of new residential dwellings, vehicular access, open space and other associated infrastructure. The planning application is made in outline, with all matters reserved with the exception of the means of access from the A484. The application proposes up to 91 dwellings, although the precise number of dwellings will be determined by a subsequent reserved matters application(s).

A Land Use Strategy Plan is submitted in support of the application, which establishes the key development parameters. A detailed plan is also submitted to show the vehicular access point from the A484. The application is also supported by a series of strategy plans, which set out further details relating to street hierarchy, landscape, density and building height. An Illustrative Masterplan has also been submitted for indicative purposes only. The masterplan demonstrates how a proposed development of up to 91 dwellings could be accommodated on the site in accordance with the known site constraints and opportunities.

The Strategy indicates that the development area would be set back approximately 85m from the A484 carriageway. The intervening land comprising green space, space for surface water attenuation and a buffer from noise from the traffic along the A484. The proposal involves the raising of some parts of the south western parts of the site by up to 3.5m in order to raise it out of the flood zone.

The indicative plans show the site is served by a central main access road. The Building Height Strategy indicates 2-storey development to the north east of the central access road and 2 or 2.5 storey dwellings to the south west and north west. The density of development would be approximately 40 dwellings per hectare.

Planning Site History

S/15581 - Residential development together with associated highway and junction improvements, car parking and servicing, open space and landscaping, and other ancillary uses and activities - Withdrawn - 6/6/2014

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') and is specifically allocated for housing as part of a wider allocation of 300 dwellings (GA2/h35)

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;
SP9 - Transportation
SP14 - Protection and Enhancement of the Natural Environment;
SP16 - Community Facilities;
SP17 - Infrastructure;
GP1 - Sustainability and High Quality Design;
GP2 - Development Limits;
GP3 - Planning Obligations;
H1 - Housing Allocations
AH1 - Affordable Housing;
TR1 - Primary and Core Road Network
TR2 - Location of Development- Transport Considerations;
TR3 - Highways in Developments- Design Considerations;
EQ4 - Biodiversity;
EQ5 - Corridors, Networks and Features of Distinctiveness;
EP1 - Water Quality and Resources;
EP2 - Pollution;
EP3 - Sustainable Drainage;
EP6 - Unstable Land 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 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government, specifically Technical Advice Note 6 (TAN 6) – Planning for Sustainable Rural Communities.

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

TAN 2 - (Planning & Affordable Housing, 2006);
TAN 5 - (Nature Conservation and Planning, 2009);
TAN 11 - (Noise, 1997);
TAN 12 - (Design, 2016);
TAN 15 - (Development and Flood Risk, 2004);
TAN 16 - (Sport, Recreation & Open Space, 2009), and
TAN 18 - (Transport, 2007)

Summary of Consultation Responses

Head of Environmental Infrastructure - The modified site access design for the A484 incorporates a 'left in left out' arrangement under priority control; requiring use of both the Pemberton Retail Park Roundabout and Berwick Roundabout for U-turn movements as required. From an operational perspective, the site access design is shown to have sufficient capacity to accommodate forecast traffic flows and the impact of the additional u-turners is negligible. However, to reduce the risk of traffic generated by the development attempting to utilise the existing layby located alongside the north-westbound carriageway of the A484 to undertake U-turn movements, the lay-by will need to be stopped up to support the proposed development. This will assist with ensuring that traffic exiting the development will utilise the Berwick Roundabout for U-turn movements on the A484. Recommends conditions to be attached the any grant of planning permission.

Environmental Health Officer - Request all the detailed mitigation measures in the Air Quality Assessment Report be conditioned through all stages of construction.

Contaminated Land Officer - Consider that an appropriate Preliminary Risk Assessment has been undertaken for the development. Request conditions relating to the investigation, recording and reporting contamination.

Education - Require a Section 106 contribution of £219,000 based on 91 dwellings.

Leisure Services - It is noted that there is reference to a Landscape Strategy in the Design and Access Statement that refers to the provision of public open space. For such a development it is key that there is sufficient provision for both structured and open play activities. There is an existing play facility adjacent to the development, Tir Einon Playing Field which looks to have green open space and some play equipment. A S106 contribution could be made to the upgrading of facilities at this site. Consultation with Llanelli Rural Council should be sought on how best to make use of any contributions.

SAB Approval Body - *Surface Water and Small Watercourse Flood Risk*: NRW Flood Maps for Planning indicate that the southern section of the proposed development is at small risk of surface water flooding. None of the proposed dwellings are located in areas at risk. To the north of the development site is a small Surface Water Flood Zone 3.

Rivers and Sea Flood Risk: NRW Flood Maps for Planning indicate that the proposed development site is partially located in a Flood Zone 3. Based on the information and methodologies submitted it is considered that the SuDS proposed at the development are sufficient in principle to proceed at this stage. A SAB approval is required for this development.

Public Rights of Way - The site abuts footpath 36/130. If the application is approved, reference should be made to the Applicant/Developer of the route of the said footpath and in order to avoid difficulties later in the development a reminder that there is a legal requirement not to obstruct or encroach upon any public right of way either during construction, or at any time thereafter. Further, any alterations to the surface of the footpath will require prior approval from the Local Authority. During any construction period, care must be taken to ensure the safety of any user of the said Public rights of Way.

Llanelli Rural Council - Object on the following grounds:

- site is unsuitable for such large scale of development, notwithstanding that it is allocated for 300 dwellings in the LDP
- highway safety concerns in relation to access from the A484
- raising the ground level to 7.1m AOD to prevent flooding will divert floodwater elsewhere
- the Coal Mining Risk Assessment highlights the potential for unrecorded underground workings and these are likely to cause significant subsidence to site infrastructure
- impact of the development on local biodiversity
- if the LPA is minded to approve the application it is important that Section 106 contributions are obtained to support community infrastructure projects in the Llwynhendy/Pemberton Ward

Local Members - Councillor Sharen Davies and Councillor Jason Hart object to the application on the following grounds:

- Concerns on the general scale of the development and highway safety concerns, with regards to the access and egress onto a very busy main road. Especially with the proposed vehicular access via the A484. Traffic Generation onto the A484.
- Concerns regarding raising the ground level to a 7.10m above ordinance datum to prevent flooding risk. This area is a risk from sea flooding, raising this ground may have a major impact on surrounding area.
- Concerns of the impact on local biodiversity.
- Overlooking / loss of privacy on neighbouring properties
- Overdevelopment in the local area.
- Unrecorded mining entries in the area.

If the development is approved Section 106 money needs to be negotiated and be used at Tir Einon Park and Llwynhendy Library Hub.

Cllr Davies and Cllr Hart also request that the Planning Committee Visit the site.

Health & Safety Executive - No comment to make.

Mid & West Wales Fire & Rescue Service - No adverse comments.

Dyfed Powys Police - Recommend that the developer meet a Secured By Design Award.

Coal Authority - Has no objection to the LPA granting outline consent at this site, subject to the imposition of conditions to secure a scheme of intrusive site investigations adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity and the submission of a report of findings of the intrusive ground investigation together with remedial measures necessary.

Dyfed Archaeological Trust - No further action required to safeguard the historic environment.

Dwr Cymru Welsh Water - Only foul water from the development site shall be allowed to discharge to the public sewerage system to prevent hydraulic overload. The proposed development site is crossed by a public sewer 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. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network.

Natural Resources Wales - Do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the mitigation measures stipulated in the reports are adhered to, and any new on-site lighting is designed to minimise impacts on light-sensitive species. The main area of bird interest is to be retained in the development. Therefore we have no adverse comments.

In consideration of the mitigation measures detailed in the HRA we agree with the conclusion that the development is unlikely to have an adverse effect upon the integrity of the SAC/SPA/Ramsar site.

The planning application proposes highly vulnerable development and lies within Zone A of the Development Advice Map (DAM) contained in TAN15 (2004). However, our Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and lies partially within Flood Zone 2/3 Rivers/Sea. The proposed development site is partially located in Flood Zones 2 and 3 (Sea), with approximately one quarter of the houses shown to be at risk of flooding. The FCA proposes to raising site levels to a minimum of 7.10 meters Above Ordnance Survey (AOD) which will eliminate the risk of flooding during the 0.5% Annual Event Probability (AEP), ensuring compliance with Table A1.14 of TAN 15. During the 0.1% AEP event the site will flood up to 200mm, which is within the tolerance levels of Table A1.15. The FCA states that 'it is likely that finished floor levels would be raised above this level and probably above the 0.1% AEP 2122 flood level', which we would support.

The FCA states that the proposed ground raising will not impact upon the flood risk to third party land, owing to the flood risk being tidal and the ground raising is located on the periphery of the floodplain. We accept these conclusions and have no concerns regarding flood risk to third parties.

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

Summary of Public Representations

Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 requires the application to be publicised by either (a) site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier and by advertisement in the local press. As the proposed development was likely to be of wider interest than just the adjoining owners or occupiers, publicity was undertaken by the display of a site notices.

Nine letters of objection have been received as a result. The grounds of objection are summarised as follows:

- the access directly onto the A484 is dangerous
- traffic issues are already experienced at Parc Gitto, Parc Hendre and Erwlas
- raising of the land will displace floodwater elsewhere
- impact on biodiversity and protected species
- the site contains a former landfill site so the land is contaminated
- danger of subsidence of old mine workings
- there is no capacity in the sewer system
- noise and disturbance
- Lack of supporting infrastructure to deal with drainage
- schools are full and surgeries are struggling to cope
- Loss of privacy

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

Appraisal

Principle of Development

The application site is part of a wider area of land allocated for 300 houses under Policy H1 of the Local Development Plan. This proposal is for up to 91 dwellings at an density of 40 dwellings per hectare on approximately half of the allocated site. Therefore, in planning policy terms the principle of residential development on the site is established in the LDP.

Highways and Transportation

The application proposes that vehicular access is provided directly from the A484 via a left-in and left-out junction arrangement so that vehicles entering and exiting the site do not cross the carriageway. To facilitate this arrangement a traffic island will be provided in the centre of the access, engineered to prevent right turn manoeuvres. The 'left in left out' arrangement under priority control; requires use of both the Pemberton Retail Park Roundabout and Berwick Roundabout for u-turn movements as required. From an operational perspective, the site access design is shown to have sufficient capacity to accommodate forecast traffic flows and the impact of the additional u-turners is negligible. However, to reduce the risk of traffic generated by the development attempting to utilise the existing layby located alongside the north-westbound carriageway of the A484 to undertake u-turn movements, the lay-by will need to be stopped up to support the proposed development. This will assist with ensuring that traffic exiting the development will utilise the Berwick Roundabout for u-turn movements on the A484.

In terms of visibility requirements at the access junction with the A484, these are set out in Annex B, Table A of Technical Advice Note 18: Transport. As this road has a speed limit of 60 mph the Stopping Sight Distance (SSD), defined as the minimum distance that drivers would need to be able to see ahead of themselves, in order to stop if confronted by a hazard, is 215m from the centre line of the proposed junction, at a point 2.4m back from the edge of carriageway. That requirement can be easily achieved in this case.

Some objectors have expressed concern about access via Parc Gitto but no such vehicular access is proposed.

In terms of pedestrian access, there would be no pedestrian access to the A484 as it has no pedestrian footways. Pedestrian access would be provided along the widened public footpath 36/0130.

Flooding and Drainage

As part of an outline planning application on a site to the north of this application site (ref S/34991), a Hydraulic Modelling Assessment (HMA) was undertaken by DCWW to determine whether a viable point of connection was available for the proposed development site, and the land covered under application ref S/34991. The HMA identified a point of connection for the development site at a manhole near Tir Einon which would result in no detriment to the existing foul sewer network. It is therefore proposed to drain foul flows from the development to DCWW infrastructure.

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.

The proposed surface water removal scheme was developed and approved by the LPA/DCWW under application ref S/34991. The scheme provides sufficient surface water removal from the DCWW network for both the proposed development site and the parcel of land covered under application ref S/34991. The proposed surface water removal scheme identifies an area of highway drainage within Maesyrfhaf and Maestir, approximately 2.5 km west of the proposed development site. Highway drainage within Maesyrfhaf and Maestir serves the highway, footpaths and surrounding dwellings, with a catchment area of 3966.7m². The highway network discharges into the DCWW network. and it is proposed to disconnect the highway network from the DCWW network, and instead divert surface water to the nearby Afon Lliedi via a new outfall headwall. DCWW approved the scheme under application ref S/34991. The proposed surface water removal scheme is sufficient to enable the development of 268 properties.

The parcel of land approved under S/34991 comprises a development of 94 properties. The proposed development site is to comprise of up to 91 dwellings, totalling 185 dwellings. This is comfortably within the permitted number of dwellings under the proposed surface water removal scheme. It is proposed to drain surface water from the development via the use of SuDS techniques, draining surface water at greenfield runoff rate to an existing small

drainage channel at the southern boundary of the site via a surface water attenuation feature.

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 1 in 200 year tidal flood event from seawater is 6.04m AOD in 2022 and 7.05m AOD in 2122. The predicted 1 in 1000 year flood event is 6.29m AOD in 2022 and 7.30m AOD in 2122. The proposal involves raising the developed area to 7.1m AOD which will satisfy the 1 in 200 year event but will leave part of the site subject to 200mm of floodwater in a 1 in 1000 year event. Such a level of inundation is well within the indicative guidance provided in TAN15 - i.e. 600mm.

The FCA concludes that proposed ground raising will not impact upon the flood risk to third party land. The essentially infinite volume of the sea results means that it is not possible to further increase flood levels through the displacement of tidal floodwater. NRW concur with this view.

Small areas on the periphery of the site are within Flood Zone 2 or 3 of the Flood Map for Planning - Small Watercourse. NRW Mapping shows the site as being at very low risk of flooding from Surface water and Small Watercourses

Ecology & Biodiversity

The Dafen Pil, an NRW designated Main River, flows in a south-westerly direction approximately 125m south of the site. Several tributaries flow into the Dafen Pil including a small drainage channel present along the western boundary of the proposed development site. These watercourses are designated as ordinary watercourses and link the site to the Carmarthen Bay and Estuaries Special Areas of Conservation (SAC) and Burry Inlet and Loughor Estuary SSSI, Ramsar and Proposed SAC. As a competent authority under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) the council has to consider the impact of development on the features for which the aforementioned sites are designated. Development can only proceed if it can be demonstrated beyond reasonable scientific doubt that there will not be a significant effect on the integrity of the European Protected Site.

The Carmarthen Bay and Estuaries SAC has the following qualifying features:

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Atlantic saltmeadows (*Glauco-Puccinellietalia maritimae*)
- *Salicornia* and other annuals colonising mud and sand
- Large shallow inlets and bays
- Sandbanks which are slightly covered by sea water all the time
- *Alosa* sp. – shad

And to support a significant presence of:

- *Lampetra fluviatilis* – river lamprey
- *Petromyzon marinus* – sea lamprey

- Lutra lutra - otter

The Burry Inlet Special Protection Area/RAMSAR special features are the following species of birds, Curlew, Dunlin, Grey plover, Knot, Oystercatcher, Pintail, Redshank, Shelduck, Shoveler, Teal, Turnstone, Wigeon and Over wintering assemblage.

A Test of Likely Significant Effect (TLSE) and Appropriate Assessment has been done for the site which concludes that the proposed development will not have a significant effect on the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), the Burry Inlet Special Protection Area (SPA) and/or Burry Inlet Ramsar Site. The proposal is not likely to undermine the area's conservation objectives provided a Construction Environmental Management Plan is provided demonstrating provisions to prevent pollution from surface water run-off. The Appropriate Assessment has been agreed by NRW. As the Assessment has concluded no significant adverse effect on the European Protected Sites it is similarly the case that there would be no significant adverse effect on the Wildfowl and Wetland Centre. In fact, opportunities exist for the site to compliment the SPA and the Wildfowl and Wetlands Centre by making provision for areas of open water as part of the surface water attenuation system.

The Preliminary Ecological Appraisal (PEA) submitted in support of the application identifies an area of neutral grassland characteristic of semi improved meadows will be lost as part of the development and will require appropriate mitigation and compensation so as to ensure Net Benefit for Biodiversity.

The PEA identifies opportunities for biodiversity enhancement including improving the condition of lowland deciduous woodland, hedgerows and freshwater habitats. The PEA also identifies that the site has the potential to support a wide variety of breeding birds, bats, reptiles and water voles. However, there are clear opportunities to mitigate and potentially enhance the site in terms of its biodiversity value. The Planning Ecologist has no objections subject to conditions requiring a Landscape & Ecological Design Scheme, Landscape & Ecological Management Plan, Construction Environmental Management Plan, control of external lighting, which reflect the ecological features identified at the site. This would ensure the Local Planning Authority is able to meet its biodiversity duty under the terms of the Environment (Wales) Act 2016.

Land Contamination & Stability

A Preliminary Geo-Environmental Assessment has been submitted in support of the application. The site itself is recorded to have been licensed for the 'Techon Tip' between 1965 to 1974 for landfilling, accepting wastes including inert, industrial, commercial, household and special waste. However, it is believed that this landfill was licensed but never actually accepted deposition of waste. Preliminary site investigation did not find any landfill materials associated with the Techon Tip. Laboratory testing of soils did not record any significant contamination. There is potential for elevated levels of ground gases and further work will be required prior to any development commencing. The details will need to form part of any reserved matters application and can be required by condition. NRW and the Contaminated Land Officer have suggested planning conditions requiring additional ground investigation.

A Coal Mining Risk Assessment has been submitted. This assessment has identified the principal risks to the proposed development to be the presence of made ground, recorded and potential unrecorded mine entries, the potential for unrecorded mine entries, the

presence of geological faulting and the potential for unrecorded abandoned, unstable mine workings within influencing depth of the ground surface. The Coal Authority indicates that there are underground coal workings in 9 seams of coal at depths from 28m to 291m. It also states that there are probably no unrecorded shallow workings (<30m) below the site. However, evidence of shallow workings has been recorded within the vicinity of the site and with five coal seams shown to outcrop at the site, shallow workings should be considered possible. The overall risk is likely to be ground subsidence and ground instability, loss of ground and the generation of crown holes. The proposed development is regarded to be sensitive to residual risks presented by potential unrecorded shallow mine workings (crown hole type collapse) representing a risk to both public safety and the structural integrity of the built development. It is therefore recommended that an intrusive investigation is undertaken at the site to determine whether remnant abandoned mine workings are present. In the event that evidence of mine workings is encountered, the risk to the proposed development should be calculated and if deemed necessary a stabilisation programme by drilling and pressure grouting should be undertaken to secure against potential significant risks of ground loss. This can be adequately covered by condition.

There are two recorded mine entries present on the site as recorded by the Coal Authority. Currently no details of any treatment of these shafts are known. The shafts are not present on the historical plans for the site. These are likely to be part of a small works into the shallower coal seams outcropping on the site, similar to those recorded 300m west of the site. The proposed development layout indicates that the area of the mineshafts is not within the proposed built development area.

The Coal Authority has no objection to the LPA granting outline consent at this site, subject to the imposition of conditions to secure a scheme of intrusive site investigations adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity and the submission of a report of findings of the intrusive ground investigation together with remedial measures necessary.

Noise, Disturbance & Loss of Privacy

Concerns about construction noise and disturbance are often promoted by objectors as reasons for opposing development. However, whilst it is accepted that there would be disruption to neighbours during construction this would be temporary in duration and would not be sufficient to justify the refusal of a development.

Loss of privacy cannot be assessed at this juncture as layout, scale and appearance are matters reserved for future consideration. Impact on privacy will be a material consideration for such detailed applications.

Impact on Schools and Medical facilities

Concern has been expressed about the impact on schools that are already considered to be full, and the availability of medical facilities. As part of this application the developer will have to make a contribution towards the provision of educational facilities which has been calculated at £219,000. The availability of medical facilities has been considered by PEDW at a recent Appeal to be something that is subject to market forces and would therefore not justify a refusal.

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
2. Play Facilities/Open Space - A financial contribution of £77,000 towards the upgrading of Tir Einon Park
3. Education Facilities – A commuted sum contribution of £219,000

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

The site forms part of a larger area allocated for housing development in the Local Development Plan. The application is in outline but the indicative proposals contained within the Illustrative Masterplan, Land Use Strategy, Building Density Strategy, Street Hierarchy Strategy, Building Height Strategy and Landscape Strategy adequately demonstrate that an acceptable development can be accommodated.

A suitable left-in and left-out access can be provided to the satisfaction of the Head of Environmental Infrastructure; the Drainage Strategy is acceptable to DCWW; flood risk is mitigated to an acceptable level as set out in TAN15; biodiversity impacts can be mitigated and enhanced. Further work is required at the detailed application stage in respect of ground conditions and contamination but sufficient information has been provided for an outline application.

The applicant has also accepted the required planning obligations in respect of affordable housing, education and recreation. Provision for active travel will be made as part of the reserved matters scheme.

Section 38 of the Planning and Compulsory Purchase Act 2004, requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The site is allocated within the LDP and there are no material considerations that suggest a determination other than in accordance with the Plan is justified. The application is therefore recommended for approval subject to conditions and the applicant entering into the required Section 106 Agreement.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

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

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

Condition 2

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

Reason: The application is in outline only.

Condition 3

Development shall not commence until detailed plans of the layout, scale, appearance and landscaping of the development, have been submitted to and been approved in writing by the Local Planning Authority. The detailed plans shall reflect the submitted Illustrative Masterplan, Land Use Strategy, Building Density Strategy, Street Hierarchy Strategy, Building Height Strategy and Landscape Strategy.

Reason: In the interests of visual amenity.

Condition 4

The land subject to this permission is as identified on the Site Boundary Plan (1008 Revision D) received 1 February 2023.

Reason: For the avoidance of doubt.

Condition 5

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

Height: 8.5m – 10.0m

Length: 4m – 50m

Depth: 7m – 25m

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

Condition 6

The number of dwellings constructed on the site shall not exceed 91 units.

Reason: The impact of the proposed development has been based on a maximum of 91 dwellings as has the necessary scale of planning obligations.

Condition 7

No part the site identified for land raising shall be raised to a level greater than 7.3m AOD

Reason: To avoid any excessive and unnecessary infilling of the land and in the interests of visual amenity.

Condition 8

No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a programme of implementation of the scheme and shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.

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

Condition 9

No development shall commence until details of the design and implementation of the scheme of surface water removal from the public sewerage system has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and to the written approval of the Local Planning Authority prior to the occupation of any of the residential units hereby approved.

Reason: To protect the existing community and the environment from the adverse effects of sewage flooding.

Condition 10

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

- all existing landscape and ecological elements and areas which are to be retained; and those to be removed; and the donor locations of those to be translocated.
- all new landscape and ecological elements and areas which are to be planted, seeded, installed, and constructed; and the receptor locations of those to be translocated.

The scheme shall define landscape and ecological proposals which fully integrate the design objectives and recommendations set out in the following submitted documents:

- Preliminary Ecological Appraisal - RSK Biocensus – October 2022 (PEA)
- Water Vole and Otter Survey Report - RSK BioCensus - October 2022
- Breeding Bird Survey Report - RSK BioCensus - September 2022
- Ecological Impact Assessment - RSK BioCensus - November 2022
- National Vegetation Classification Survey of Grassland and 'Important Hedgerow' Assessment - RSK BioCensus - July 2022
- Landscape Strategy [3203 - Rev F] – Turley – January 2023
- Bat Activity Survey Report - RSK BioCensus - December 2022
- Stage 1 and 2 Arboricultural Impact Assessment - Report RSK BioCensus - October 2022
- Preliminary Roost Assessment of Trees - Report RSK BioCensus - September 2022
- Reptile Survey Report - Report RSK BioCensus - October 2022

The scheme shall provide sufficient specification information to fully describe the proposals for all landscape and ecological elements and areas and to demonstrate the potential for effective delivery of the design objectives. The scheme shall be fully implemented as approved.

Reason: To provide a suitable landscaping scheme that will enhance the character and appearance of the development and surrounding landscape, while safeguarding against any unacceptable ecological or biodiversity impacts and delivering a Net Benefit for biodiversity.

Condition 11

No development or site clearance shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following: -

- i) Clearly mapped definition of all areas subject to transfer to future private ownership and management responsibility, and those to be maintained and managed as part of the LEMP including a GIS shape file of LEMP boundaries to enable monitoring of ongoing Net Benefit for Biodiversity planning policy objectives.
- ii) A report detailing the management objectives for all landscape and ecological elements and areas retained or translocated; and new elements installed, constructed, planted or seeded as part of the Landscape and Ecological Design Scheme (LEDS).

The report shall provide clearly defined proposals and sufficient information to assure effective delivery of the identified objectives, and include, specifically: -

- maintenance and management proposals for the establishment phase (years 1-3 after implementation); and long term (years 4-25 after implementation).
- plans, specifications, schedules, and timescales.
- proposals for monitoring the effectiveness of the delivery of all landscape and ecological objectives (years 1-25 after implementation)
- timescales for monitoring reviews and reactive identification of any remedial operations, rectification of defects, or required changes to maintenance and management operations, and the mechanism for their implementation.

- details of the management agent (body or organisation) responsible for implementation of the LEMP; and the legal and funding mechanism(s) by which delivery of the LEMP will be secured.

The LEMP shall be fully implemented in accordance with the approved details.

Reason: To ensure the future management and monitoring of the landscaping and ecological proposals provided as part of the development and the delivery of a Net Benefit for Biodiversity.

Condition 12

No development 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.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Recommendations set out in the Outline Construction Ecological Management Plan - RSK Biocensus - April 2023

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

Reason: A CEMP should be submitted to ensure necessary management measures are agreed and implemented for the protection of the environment during construction including

the protection of Carmarthenshire Bay and Estuaries SAC and the Burry Inlet SPA/RAMSAR.

Condition 13

External lighting schemes for both construction and operational stages of development must be submitted prior to commencement of works. These shall take into account all of the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. They shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas (see Guidance Note 8 Bats and Artificial Lighting / Bat Conservation Trust and the Institution of Lighting Professionals, 2018). The schemes shall include:

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site, at the boundary of the site and spillage beyond the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole.
- The plans should take in account recommendations in the Ecological Impact Assessment - RSK BioCensus - November 2022

Reason: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.

Condition 14

Prior to, or concurrent with the submission of the first reserved matters application the developer shall:

- a. Undertake a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entries);
- b. submit a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones;
- c. provide a scheme for implementing the remedial works prior to the commencement of development

Reason: To ensure that the development is not adversely impacted by ground instability.

Condition 15

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

- a. 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. All aspects of 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'. 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.
- b. 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 of the environment.

Condition 16

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

Reason: The prevention of pollution of the environment.

Condition 17

Prior to occupation of the proposed development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority (where necessary). The long-term monitoring plan should include:

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

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

Reason: The prevention of pollution of the environment.

Condition 18

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

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 19

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 of the environment.

Condition 20

Prior to its use by vehicular traffic, a new 'left in left out' access arrangement (not signal controlled) shall be laid out and constructed at the junction with the A484 road, in line with drawing no: C22040-ATP-DR-TP-010. Details and specifications of which shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

Condition 21

The existing layby along the westbound carriageway of the A484, located between the site and the Berwick Roundabout, shall be permanently stopped up, in accordance with a scheme to be submitted for the written approval of the Local Planning Authority, prior to beneficial occupation of any dwellings on the site herewith approved.

Reason: In the interests of highway safety.

Condition 22

Visibility Splays of 2.4m by 215m in either direction shall be wholly provided at the junction of the access road with the A484 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 visibility splays, is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety.

Condition 23

The vehicular access into the site from the A484 shall at all times be left open, unimpeded by gates or any other barrier.

Reason: In the interests of highway safety.

Condition 24

There shall at no time be any means of pedestrian access to the development from the A484.

Reason: In the interests of highway safety.

Condition 25

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

Reason: In the interests of highway safety.

Condition 26

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

Reason: In the interests of highway safety.

Condition 27

Prior to beneficial occupation of the development herewith approved the public footpath (36/130) running along the site's northern boundary shall be widened to 3.0 metres, to allow shared usage in accordance with the Active Travel (Wales) Act 2013, with consideration of

additional access points to enhance the sustainable accessibility of the site. A scheme implementation strategy shall be submitted at reserved matters for the written approval of the Local Planning Authority.

Reason: To provide for sustainable access and active travel.

Condition 28

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 shall be implemented in full and as agreed.

Reason: In the interests of highway safety.

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, SP9, SP14, SP16, SP17, GP1, GP2, GP3, H1, AH1, TR1, TR2, TR3, EQ4, EQ5, EP1, EP2, EP3, EP6 and REC2 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed development is allocated for housing development, is located in a sustainable location, makes provision for affordable housing, education, active travel and Parks/Leisure facilities; would have an acceptable scale 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).

Note 3

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

Please be advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB.

Note 4

This permission is subject to an Agreement under the provisions of Section 106 of the Town & Country Planning Act 1990 to provide for a minimum of 20% affordable housing on the site; provide a financial contribution of £219,000 for the provision of educational facilities, provide a financial contribution of £77,000 towards the provision of recreation facilities at Tir Einon Park.

Note 5

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

Note 6

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

Note 7

Public Right of Way 36/130 abuts the proposed development site. It is a legal requirement not to obstruct or encroach upon the PROW either during construction, or at any

time thereafter. During the construction period, care must be taken to ensure the safety of any user of the said Public rights of Way. Further, any alterations to the surface of the footpath will require prior approval from the Local Authority. The Applicant/Developer is advised to contact the Councils Countryside Access Team if they have any queries in respect of the Public Footpath.

Application No	PL/06479
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Application Type	Full planning permission
Proposal	One Planet Development comprising one cabin, one woodstore, one weaving workshop, one greenhouse and workshop, one storage shed, solar array, vegetable plot including fruit cage, orchard, two coppices, withybed and meadow
Location	Land opposite Ty Derwen, Penybanc, Llandeilo, SA19 7TA

Applicant(s)	Mr Antony Batchelor
Officer	Helen Rice
Ward	Manordeilo and Salem
Date of validation	05/09/2023

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 comprises a 1.5 hectare parcel of agricultural land which lies in a countryside location approximately 450 metres linear distance north of the centre of Penybanc village and approximately 1.5 kilometres linear distance north-west of the edge of Llandeilo town. Access towards the site is achieved via an unclassified highway (U4038) that leads from the village of Penybanc. An existing access into the field area lies towards the north eastern corner of the site, which also provides access to the adjoining Maes Digonedd OPD.

The land is bordered to the east by a mature hedgerow that defines the unclassified U4038 road boundary that leads from the village of Penybanc into the open countryside to the north. The western and southern boundaries adjoin agricultural fields defined by hedgerows, stock fencing and ditches. The northern boundary adjoins a neighbouring One Planet Development site that was granted planning permission at appeal in April 2023 (PL/00489) (known as Maes Digonedd) and is currently defined by a recently planted area.

The rectangular shaped plot slopes down from north to south with an approximate levels change of 20m from the site's northern corner down to its southern corner. Views towards the site are attainable from the nearby public highway albeit largely screened from view by

the existing roadside hedgerows. Views down towards the village of Penybanc and Llandeilo are attainable from the site and vice versa.

The site is within the rural countryside which is characterised by agricultural fields and scattered farmsteads. However as mentioned above, recent permission was granted for an OPD development to the north (Maes Digonedd) and also a further parcel of land to the east on the opposite side of the unclassified highway also has planning permission for a separate One Planet Development that was granted permission in November 2020 (E/39554) (known as Ty Derwen). Beyond the immediate neighbouring OPDs, the nearest other residential property to the site is Cwmwern which lies, at its nearest, approximately 200m from the southern boundary of the application site.

Proposal

The proposal seeks to establish a One Planet Development on the site supporting a household of two adults comprising:

Buildings/Structures

- One single storey cabin (approx. 90 m²), comprising an open plan living and kitchen area, and a food store/pantry on the north elevation, two bedrooms, a washroom, a utility room and a compost toilet;
- a greenhouse/workshop (approx. 40m²), a space for woodworking, and for maintaining and storing gardening tools and equipment
- floor mounted solar panels (approx. 49m²), to power the cabin and workshop
- a weaving workshop (approx. 20m²), which will provide space to weave, accommodate the weaving tools and finished products, as well as store willow
- wood store (10m²), to keep a supply of wood for a log burner
- coop (1.5 m²) and area (totalling 50 m²) for chickens and ducks
- a storage shed (approx. 20m²), used to store hay, to dry harvested willow and other items and equipment to avoid external storage
- nine compost bins

Planting/Crops

- woodland areas (approx. 8000 m²), to increase biodiversity and wildlife, providing a corridor across the land linking to the property next door. Woodland would also provide coppiced wood for firewood, and fencing and garden structures such as bean poles and pea sticks
- withybed (approx. 675m²), to grow willow for the weaving business
- a traditional orchard (approx. 325m²), for fruits and juice to provide essential nutrients through the winter and the hunger gap and to provide beneficial wildlife habitat

- a vegetable garden including herb garden and fruit cages, (approx. 1000m²)
- a WET system (approx. 200m²), to ensure grey water is treated safely and effectively (black will be dealt with using a compost toilet)
- two wildlife ponds

The proposed ancillary buildings on site are required for the purposes of storage, production and processing, in support of the following land-based activities which have been proposed:

- Production of willow coffins and baskets and other wicker products – the withybed area has been chosen following observation of the land, especially during wet periods. Whilst bought weaving willow will be relied upon initially, as the withybed establishes reliance on bought weaving willow will decrease;
- Blueberries
- Fruit Tree Grafting
- Vegetables, fruit and flowers – a vegetable and soft fruit garden area for the production of fruit and vegetables for the applicants' consumption;
- Chicken and Duck Eggs for the applicants' consumption.

The development is intended to support two adults providing their basic household needs from their own food from the proposed land-based activities. The applicants have experience of similar OPD style living gained via volunteering at other off-grid communities. The applicants purchased the application site in April 2022 and have since been observing the field to inform their proposals. The site is to be named Bryn Gwern, which links to its historical connections to Cwmwern farm based on assessment of the tithe maps.

The applicants also propose to improve the biodiversity of the site, harvest their own energy through renewable sources, source water from rainwater harvesting and minimise and manage all waste in an environmentally sustainable way.

Whilst access to the site can be achieved via an existing shared access with Maes Digonedd OPD, a new vehicular access is to be created further south of the existing access which enables achievement with highway visibility standards.

Planning Site History

There is no relevant planning history on the application site itself.

However as mentioned above land to the north and land to the east have planning permission for OPD developments as follows:

PL/00489 - A One Planet Development which will comprise of one timber-framed single-storey dwelling and ancillary buildings in addition to horticultural areas, willow plantation, forest gardens and a wildflower meadow on Land between Caegroes and Cwmwern, Penybanc, Llandeilo (now known as Maes Digonedd) - Refused – 14 October 2021

Appeal Allowed – 25 April 2023

E/39554 - Proposed one planet development family dwelling at land south east of Caergroes, Penybanc, Llandeilo, SA19 7TB (now known as Ty Derwen) – Granted - 19 November 2020

Planning Policy

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

Policy GP1 - (Sustainability and High Quality Design)

Policy TR2 - (Location of Development – Transport Considerations)

Policy TR3 - (Highways in Development – Design Consideration)

Policy EQ4 - (Biodiversity)

[Carmarthenshire Supplementary Planning Guidance](#)

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

Practice Guidance for One Planet Development (OPD) (2012) which provides detailed practical guidance in support of TAN 6.

Summary of Consultation Responses

Head of Transportation & Highways – No objection subject to the imposition of conditions to secure appropriate visibility splays, access, parking and turning arrangements.

Local Member - Councillor F Walters is the local member and has objected to the development on grounds that concerns have been raised by constituents regarding the One Planet Development as there is no limit to the potential amount of OPDs that could be established locally.

Manordeilo and Salem Community Council – Have submitted an objection to the proposal on the following grounds:

1. In its view the development is unsustainable, the only source of potential income actually tied to the land is the growing and sale of fresh produce and willow.
2. The development is outside the LDP and granting permission would be unfair and inequitable to other applications for dwellings that require the meeting of rigorous sustainability criteria prior to any application being granted as opposed to the requirement to prove sustainability for One Planet developments after permission has been granted.
3. The business elements proposed in this development would generate road traffic and footfall that pose safety concerns on the narrow country lane serving the property.
4. Question mark over water and electricity supplies on the site.

5. Serious concern was expressed at the apparent lack of Local Authority resources to monitor such developments and to assess the viability or otherwise of the development after the statutory five year period.
6. Whilst the Council acknowledged that the Welsh Government supports such developments, local residents and Councillors expressed serious concerns as to the success of such schemes in practice and doubts that they would enhance the local countryside and way of life.

Natural Resources Wales – Have commented stating that the site is within the catchment of the River Tywi Special Area of Conservation (SAC) and consideration needs to be given to the development's impact upon phosphorous levels within the river. However, they also specify given that the proposal includes provision for a composting toilet and based upon the information submitted that the proposal is unlikely to increase the amount of phosphorus entering the catchment and therefore the development can be screened out of requiring a full Habitats Regulations Assessment.

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

Summary of Public Representations

The application was the subject of notification by way of a site notice. A total of 19 representations were received from 15 different households, 3 objecting from different households and 16 in support from 12 different households.

The following provides a summary of the comments received **objecting** to the development:

- The proposal is not in line with the Local Development Plan and the development of OPDs undermines the plan led system;
- The structures will be visible from various areas and from Dinefwr Park;
- OPDs is a cheap means of acquiring a building plot, supported and encouraged by Welsh Government to the detriment of local residents and land protected by a local development plan.
- Application does not justify the development of a dwelling in the open countryside.
- The floodgates have been opened.
- The application is merely a large allotment and there is no necessity for the applicants to live on the site.
- The development will become another scar on the landscape with poorly kept structures, unmaintained hedgerows that create a hazard for highway users and ruin the landscape.
- Welsh scenery is being violated by development and local planning authorities should raise defences to prevent such development.
- An open visible hillside is not an appropriate location for this type of development.
- The management plan is basic and based on conjecture rather than facts.
- No grounds to require someone residing of the site to maintain fruit trees, bushes and willows trees.
- No market research undertaken.
- No advert and nobody has spoken to neighbours despite bordering site.
- Has CCC got the funds to carry out monitoring of OPDs
- The proposal based on the business plan would not be accepted by a bank and therefore LPA should not accept.
- Increased traffic and rubbish on the road.

The following provides a summary of the comments received in **support** of the application:

- Applicants have proven experience and wish to pursue a sustainable, low-impact life;
- They are dedicated individuals who have undertaken substantial research and training to inform their proposals;
- They have already held an open day for the community;
- The applicants are mutually beneficial to other nearby OPDs to share skills and experience, car sharing, resources and tools;
- Management Plan is well thought out and fully detailed;
- Site plan is simple and effective, and would blend in with the surroundings;
- Application is supported by statutory consultees;
- The majority of the objections received relate to the overall policy rather than the merits of the proposal;
- The applicants are active members of the community and support local projects and events;
- Growing demand for sustainable and locally produced products;
- CCC have declared a Climate Emergency and this proposal would go well above and beyond what most ordinary citizens are willing to do to support the County Council in dealing within this emergency;
- Proposals, due to product range, would not compete with existing willow weaving businesses in the local area;
- Development would increase biodiversity and willow will absorb and store greater amounts of carbon in their root systems;
- The applicants produce high quality willow baskets.

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

Appraisal

Principle of Development

The proposal falls to be considered under national policy on One Planet Development in the countryside that is contained in Planning Policy Wales (PPW) Edition 12, and Technical Advice Note 6 (TAN 6) – Planning for Sustainable Rural Communities. Practice Guidance for One Planet Development (OPD) issued in October 2012 provides detailed practical guidance in support of TAN 6. On this basis, whilst in the countryside and therefore outside of any settlement boundary as defined in the LDP, the consideration of OPD policy as set out in TAN6 is a material planning consideration that carries significant weight in comparison to the locational criteria for development set out in the LDP.

Whilst the Welsh Government supports the principle of low impact development it also places an emphasis on the need to ensure that it is properly controlled. The Practice Guidance sets out the essential characteristics that all OPDs in the open countryside must have. These are that OPDs must:-

- have a light touch in the environment - positively enhancing the environment wherever possible through activities on site;
- be land based - the development must provide the minimum needs of residents in terms of food, income, energy and waste assimilation in no more than five years;

- have a low ecological footprint - the development must have an initial ecological footprint of 2.4 global hectares per person or less with a clear potential to move to 1.88 global hectares per person over time - these are the ecological footprint benchmarked for OPDs over time;
- have very low carbon buildings in both construction and use;
- be defined and controlled by a binding management plan which is reviewed and updated every five years;
- be bound by a clear statement that the development will be the sole residence for the proposed occupants.

Whilst considered under the same Technical Advice Note, the requirements that OPD developments must meet are entirely different to Rural Enterprise Dwellings. The different requirements are clearly set out in TAN6, specifically Rural Enterprise Dwelling applications are considered against the guidance included in paragraphs 4.3 – 4.14 of TAN6, whereas OPD developments are considered against the guidance included in paragraphs 4.15 – 4.23 of TAN6 and the associated practice guidance.

TAN 6 requires proposals for OPD in the open countryside to quantify how the inhabitants' requirements in terms of income, food, energy, and waste assimilation can be obtained directly from site. The land use activities proposed must be capable of supporting the needs of the occupants, even on a low level or subsistence basis, within a reasonable period (no more than 5 years). This should be evidenced by a management plan produced by a competent person(s). The management plan should set out the objectives of the proposal, the timetable for the development of the site and the timescale for review. It should be used as the basis of a legal agreement relating to the occupation of the site, should planning permission be granted. The content of the Management Plan will be assessed against the OPD guidance below.

The proposal will also be assessed against the relevant LDP policies, namely Policies GP1 (Sustainability and High Quality Design), TR2 (Location of Development – Transport Considerations), TR3 (Highways in Development – Design Consideration) and EQ 4 (Biodiversity).

Management Plan

A Management Plan and Ecological Footprint Analysis has been provided and this has been prepared by the applicants setting out how they intend to comply with the OPD requirements. The Management Plan focuses on such issues as the Design/Strategy, Business and improvement plan, Energy and Water, Waste, Zero Carbon Buildings, Community Impact Assessment, Transport Assessment and Travel Plan, Ecological Footprint Analysis.

Business and Improvement Plan

The Business and Improvement Plan is essentially the core of the overall management plan and is made up of Land Based Activity, Land Management, Energy and Water and Waste Assimilation which are discussed in turn below:-

Land-Based Activities

The land-based activity element of the management plan centres on justifying the need to live on site and how the site will sustain occupants' minimum food needs and how income will be derived from the land, within the first five years of first habitation on the site. This, as stated in the policy and guidance notes for OPDs, is the basis of the need to live on site and the reason why the site should be the sole residence of occupants.

Food Production – The Practice Guidance states that OPD should be expected to be able to produce at least 65% of the applicants' basic food needs on the site or a minimum of 30% on the site with the further 35% being purchased or bartered using the income or surplus produce from other produce grown or reared on the site.

The Management Plan sets out the applicants current food needs which is based on a vegetarian diet. Whilst presently the applicants buy in all foods, it is anticipated that at Year 5 the OPD would produce 67% of their basic food needs, mostly derived from their own chicken and duck eggs, fruit and vegetables and beverages. The applicants acknowledge that other food sources such as oils and fats, dairy products, bread and mill products and confectionary will continue to be bought in but these account for a smaller proportion of their diet.

The submitted Management Plan indicates that the applicants are experienced in growing food for their own consumption and have developed storing, preserving, pickling and fermentation skills to ensure a year-round supply during the "hunger gap" months. The Management Plan sets out the vast array of vegetables, fruit and nuts that are intended to be grown throughout the seasons and those which can be preserved and or stored. The applicants are experienced at keeping ducks and chickens with their eggs being a main staple of their diet. In terms of beverages, the applicants have experience of brewing alcoholic drinks and wines and fruit cordials from a variety of ingredients with some having already been created from produce within the hedgerows around the site along . In the future, the applicant wishes to develop hops to produce beers and harvest apples for cider albeit this is not part of the 5-year plan.

It is considered having regard to the information contained within the Management Plan, the variety of produce to be grown on site, coupled with the experience and skills of the applicants to lead a self sufficient lifestyle indicates that there is a reasonable prospect for the applicants to meet their basic food needs from the site by the end of year 5.

Income - The guidance recognises that even if a site is able to support the majority of the occupants' basic food needs, it is expected that monetary income will need to be generated to enable the purchase of other basic needs, such as clothes, travel, IT/communications and Council Tax and the remaining food needs which cannot be grown or reared on the site or gained through bartering.

OPD's must earn their occupants' sufficient income to meet their minimum income needs through sales of produce from the site (which may involve processing and adding value). It may also include other income streams derived from the productive and regenerative capacity of the site, such as from training and education courses, or consultancy directly linked to land-based activities on the site. The guidance stresses that these latter activities should be clearly subsidiary to the primary activity of growing and rearing produce. Surplus produce will almost certainly need to be grown or reared on the site to contribute to the

above expenditure and to ensure the subsidiary nature of other income streams generated on the site.

The Management Plan includes a breakdown of the applicant's other basic needs for the current year and also those predicted by Year 5. This indicates a reduction of nearly 50% of current spends in year 5 of the development on grounds that there would be significant reduction in food production costs as a result of growing their own fruits, vegetables and nuts and eggs derived from their own chickens and ducks with food stuffs and bedding for their poultry mostly derived from the site. It is also anticipated that there would be reduction in travel costs, along with council tax costs whilst IT/Communication costs would remain unchanged. Nevertheless, it remains that circa £5500k would be required to cover other basic needs.

The applicants explain that their main income streams from the land to meet the above costs would be derived from their proposed willow weaving business increasingly utilising willow grown from their site as it establishes. The main produce would be willow baskets and willow coffins. The Management Plan sets out a breakdown of the likely income derived from this business having regard to the need to buy in willow in the first few years with this decreasing as their willow stock matures on site. By the end of year 5, a projected net profit of £4000 could be reached based on projected sales of 20 willow baskets and 6 willow coffins. The products would be sold at local markets such as the weekly market in Llandeilo Civic Hall and online. The applicants have undertaken research of other similar business within the area and have sought to ensure that their product range would not compete, and the relevant business owners have written in support of the application on the basis that they are satisfied that this proposal would not impact their existing business. Whilst there is limited information regarding the likely demand for the products, particularly the higher yielding coffins, it is acknowledged that there is a growing trend for sustainable burial methods. Therefore, on balance, it is considered that the proposals put forward have a reasonable prospect of being achieved.

In addition to the weaving business, a fruit tree grafting business is also proposed. This would initially be centred around growing six Welsh heritage eating apples, two earlies, two mids and two late varieties with the intention to preserve traditional varieties for future generations. Further fruits would be added towards year 3 to include pear and plum trees. The process would involve fusing two trees into one, with the lower rootstock used to form the roots of the fruit tree and the graft or scion used to form the fruiting portion of the tree. The Management Plan explains that by year 5, based on projected sales of apple, duo apple, pear and plum trees based on current packaging and retail prices researched from online sources a net income of £1800 could be derived by the end of Year 5.

A further business of growing blueberries for sale at the local market in Llandeilo and a health food shop in the town is also proposed and is based upon the applicants' experience of growing blueberries during their time volunteering at other self sufficient / off grid sites. It is anticipated that by year 5, 25 plants would be established yielding 60kg fruit generating an income of £600. This appears to be realistic based upon the time taken for blueberry bushes to establish and current price per kilo.

Collectively, by year 5, the proposed three business are projected to generate a net income of £6500k which exceeds the projected minimum needs spends. Whilst it is acknowledged there is a degree of projection involved, it is considered on balance, having regard to the applicant's past experience and skills, their knowledge of the site and research undertaken that there is a reasonable prospect of the income yields being achieved by Year 5. However,

as with any business, there are possible risks and hence the OPD monitoring requirements would ensure that the OPD targets in terms of food and income are being met and thus that the development is properly controlled. Should the monitoring process not align with the projections within the Management Plan, adjustments would need to be made or acceptance that the OPD has failed.

Occupants - The intention of land based OPDs are to support the minimum food and income needs of the occupants. This is the main reason that justifies in planning terms, such developments. Therefore, it is of critical importance that the number of occupants is directly related to the ability of the site to support them and the number of people to run the site effectively.

The OPD is to support two adults with the proposed cabin being their permanent and only place of residence once built. The Management Plan includes an estimate of the hours per week per person that would be required by year 5 to run the site effectively, split between the two occupants. The most labour intensive activity is associated with the willow weaving business ranging from 80 to 120 hours per month, with the other intensive activities relating to vegetable growing and harvesting which naturally fluctuates through the year and other daily tasks, maintenance and administrative activities. The hours provided appear to be reasonable and reflect the relevant growing and production seasons. This equates to between 37 and 42 hours per week per adult across the year which is considered reasonable and achievable. The information provided within the Management Plan in respect of food production and income as referred to above is also considered sufficiently detailed to conclude that, on balance, there is a realistic prospect of the site being able to provide for the basic needs of the intended occupants.

Land Management

Paragraph 3.37 of the Practice Guidance states that 'One Planet Development in the open countryside should have the objective of conserving, managing, and wherever possible, enhancing environmental quality'. OPD's should conserve and enhance the site's biodiversity, cultural heritage and landscape. This may include improving soil organic matter, creation of ponds and increasing populations of pollinating insects and natural predators to pests and diseases.

The Management Plan includes a baseline assessment of the existing site which includes its location with the landscape including LANDMAP references, soil analysis, existing biodiversity features and assessment of historic and cultural assessment. The applicants have also own the land since 2022 and have undertaken observations of the site during the year, including inclement weather to ensure ground conditions are known to inform their proposals. The site is at a similar level to a previous site that the applicants have volunteered at and as such consider they have transferrable knowledge of relevant gardening practices.

The Management Plan acknowledges that the soil is clay with a pH of 5.3/5.4 with areas of compacted soil with poor drainage and as such there is ample opportunity to improve the soil through land management practices, natural composting processes and appropriate choice of crops. In particular the OPD would be based on organic principles, with the use of natural soil fertilisers including horse manure which has already been applied to the site to improve the soil structure and fertility. This will be supplemented by manure from the ducks and chickens once on site as well as compost arising from food and organic matter waste from the site.

An ecological report submitted with the application confirms the limited biodiversity present on the site and as such adopting a permaculture approach represents opportunities to significantly improve the biodiversity of the site through planting of a traditional orchard, a range of trees including Alder to reflect the historic reference to Cwm Wern, wildflower meadow, glades and rides, retention and expansion of existing hedgerows and creation of a Wetland Ecosystem Treatment System and Wildlife Ponds will introduce an array of new habitats to attract birds, insects and pollinators.

Whilst there are no historic features on the site, the applicants have undertaken research as referred to above, to obtain historical references to the site and this has directly informed their decision to plant Alder trees and to rename the site "Bryn Gwern" to reflect its historic association with Cwmwern (Gwern being Welsh for Alder).

Turning to consideration of the landscape impacts, whilst the planting of trees and vegetation will change the character of the existing open field, it will not result in a negative change but rather one that will assimilate with the wider area. The position of buildings and structures have been purposefully chosen to respond to site conditions, topography, natural shelter and screening and proximity to the access. In addition, the scale of the buildings are such, when coupled with the aforementioned elements result in a development that minimises the impact upon the landscape. The site is currently largely screened from direct views from the adjacent public highway by the intervening hedgerow which is to be maintained and supplemented.

The above commitments are considered positive and comply with the Practice Guidance; however, the applicant will have to provide details of the new landscape features and habitats created as well as evidence of an increase in biodiversity in the annual monitoring report.

Energy and Water

The Practice Guidance acknowledges that energy and water are both resources which development consumes, and so create environmental impact. It is an essential characteristic of OPD that the use of these resources is minimised and re-used wherever possible and that the energy needs of inhabitants come from the site. The guidance indicates that this should also be the case for water, unless a more environmentally sustainable alternative can be demonstrated.

In terms of energy consumption, the Management Plan states that the applicants intend to meet their energy needs from the site, predominantly by generating electricity through the use of a 5kw solar powered system and battery storage system utilising recycled electric vehicle batteries rather than lithium batteries. The solar panels would consist of two south facing floor mounted arrays that would be positioned to enable adjustment to maximise sunlight through the months of the year. The Management Plan includes the average sunshine hours data across the year and the likely energy produced. Naturally this dips during the winter months and whilst battery power will assist the applicants accept that on occasions electricity may not be available as they have previously experienced when volunteering elsewhere and adjusted accordingly. To counter potential limited electricity, the use of biomass/log burner is also proposed to supplement heating requirements during winter months. The wood for the log burner would be derived from the site following establishment of the woodland area as well as hedge trimmings and also from the neighbouring OPD at Maes Digonedd where supply allows. The Management Plan includes an assessment of the likely electricity demand required to effectively run the site and it

appears that the combination of the solar panels and biomass during winter months would supply sufficient energy.

Turning to water supply, the primary source of water will be rainwater harvested from all structures on site. The Management Plan provides details of the anticipated water demands arising from the applicants residing at the site along with the land based activities. This equates to 70,174 litres used per annum. The site received an average rainfall of 953mm in 2022 and utilising the equation of 1mm rainfall on 1sqm flat roof equates to a litre it is possible to deduce that rainwater harvesting from the roofs would generate around 88,629 litres and as such there is reasonable prospect of the site being able to meet its water needs. All water for domestic needs will be subjected to a filtering process to ensure that it is potable.

It is considered having regard to the information submitted with the application, that there is reasonable prospect of the development meeting its energy and water demand from the site utilising a combination of renewable and sustainable measures.

Waste

Waste produced by both domestic and other activities on site is likely to include, domestic food waste, grey water, human waste, packaging and paper, green waste from growing food and timber and chicken/duck manures. The practice guidance provides essential criteria for the assessment of waste on site. It states:-

- All biodegradable waste on site is assimilated on site in environmentally sustainable ways.
- The only exception to this is the occasional off-site disposal of small non-biodegradable amounts of waste which cannot be assimilated on site which arise from things used on site wearing out or breaking irreparably.
- All waste handling and assimilation on site must comply with NRW guidelines.

The applicants have established a process of reducing waste already to the extent that they only generate one black bag of unrecyclable waste every six weeks approximately, and this will be reduced further with being able to produce food from the site, any unrecyclable waste will be collected by Council refuse services.

Otherwise, a “closed loop cycle” of waste is intended to be in operation at the site meaning that all organic waste is reused on the site, through the compositing of raw food waste and minimal cooked food waste utilising specialised composting methods.

Human waste would be collected in the proposed composting toilet and once broken down would be used to fertilise trees. Urine would be collected separately and either diluted and used as fertiliser or placed in the compost bin. Grey water would be diverted to the WET system that would naturally clean and filter the water to enable subsequent return to the soil. Poultry Manure would be utilised on site to fertilise the soil with used bedding added to compost bins.

It is considered that the proposed strategy to minimise, assimilate and reuse/recycle waste would meet the requirements of the practice guidance. Furthermore, the applicants will be required to provide evidence that the re-use of organic waste on site has increased the overall fertility and productivity of the site in the annual monitoring report.

Zero Carbon Buildings

TAN6 specifies that OPDs should be exemplars of Welsh Government's zero carbon aspiration and as such requires that all OPDs should be zero carbon in construction and use. The practice guidance clarifies the essential criteria as follows:

- Domestic and ancillary buildings will be 'zero carbon' in construction and using the up-to-date Welsh definition of zero carbon;
- Proposals will identify which structures require Building Regulations approval and is obtained either before or during construction;
- All structures identified for removal in the Exit Strategy are capable of removal with low environmental impact.

The guidance also states that the buildings should make as much use of recycled materials as much as possible and reuse of existing buildings where appropriate.

The residential unit proposed is to be constructed to comply with the definition of a caravan as set out in the Caravan Sites Act (1968) as amended. This definition sets out the maximum dimensions allowable i.e. 20m(l) x 6.8(w) x 3.05m(internal height), that it can only be composed of not more than two sections separately constructed that can be assembled on site by means of bolts, clamps and other devices, is capable of being moved from place to place and is fit for human habitation.

The proposed cabin falls within the above-mentioned dimensions. The applicants would construct the unit in two sections utilising locally sourced wood either recycled, reclaimed or via a local supplier such as Talley Sawmill before bolting together, with the external façade clad in timber. The cabin would then be mounted on a series of ground screws which have the least impact upon the environment, do not require the use of heavy machinery or concrete foundations and can, should the need arise, be easily disassembled with no permanent trace once removed. Windows and doors would utilise double or triple glazed second hand units where possible with all walls, the floor and roof insulated by hemp or wool battens available from Cardigan. The siting and orientation of the unit on the site has been carefully considered having regard to the observed site conditions and to maximise openings on the southern elevation to maximise passive solar gain but with a roof overhang to protect from high summer sun. The low profile single storey modest cabin has also been designed to minimise visual impact with additional planting as part of the wider planting proposals to further screen views from the nearby access point.

The ancillary buildings which are exempt from building regulations will also be constructed from responsibly sourced, local, natural, sustainable materials, and where possible, from reclaimed, recycled or second-hand materials.

All buildings, by virtue of their method of construction, are capable of being dismantled and removed from the site leaving no trace should the OPD fail.

It is therefore considered based on the information provided that the proposal complies with the requirements of the guidance.

Community Impact Assessment

The essential criteria are that:-

- There is a thorough assessment of all impacts of the proposal on neighbouring communities. One Planet Development in the open countryside should not impact negatively on neighbouring communities.
- Any negative impacts are mitigated.

The Management Plan sets out that the applicants have been resident of Llandeilo town since 2022 and have taken an active role in the local community and attended various local events and groups. They are both currently learning Welsh and have been actively involved in both local filmmaking and local education in their careers to date. Both applicants are currently employed at Glasallt Fawr as support workers for adults with learning difficulties and disabilities and assist individuals to access their local community and help with shopping, outings and events. The applicants consider that they currently contribute to the community and endeavour to increase that commitment in the event that planning permission is to be granted. It is also envisaged that selling their locally produce goods in the local market will further enhance their connectivity with the community.

The applicants intend on having open days and training events where possible and are committed to being open and transparent about their proposals.

Whilst the applicants do not consider that there would be any negative impacts arising from the development, a number of local residents have raised objections on grounds of the development's impact upon the landscape, traffic and litter. The applicants acknowledge that the site will be visible from some vantage points. It is not the requirement for OPDs to be hidden from view but rather to be carefully designed so as not to have a negative impact upon the area. To this end, the siting, low profile scale and design of the proposed structures including the use of natural materials is intended to enable the built form to blend in with the surroundings whilst additional vegetation growth will help obscure views at close proximity. Traffic implications are considered further below but as the applicant's currently travel to the site 4/5 times a day, this would be significantly reduced if they are resident on the land. With regards waste, as mentioned above, the proposal includes a dedicated proposal to limit waste creation.

In summary therefore, whilst the addition of an OPD would change the appearance of the site it is not considered that this impact would be so significant to have a negative effect on the local community by reason of the siting, scale, design and use of natural materials, along with the planting of vegetations and trees.

Transport Assessment and Travel Plan

In accordance with the practice guidance, the applicants' have provided the necessary assessment information in the form of a transport baseline, an assessment of movements proposed to and from the site (by car, public transport walk, bike) along with a Travel Plan which details how vehicle movements can be minimised in respect of each activity the movement is associated with.

The site is located in the countryside with the nearest bus stop approximately 2 miles away in Llandeilo providing services towards Llandovery, Carmarthen, Ammanford and Swansea and Llandeilo train station also approximately 2 miles away from the site. There are footpaths linking Rhosmaen Street with Penybanc with the remaining journey on foot to the site on the public highway.

At present the applicants travel from Llandeilo to the site 4/5 times per week in summer months. When tools are required to be taken to site, these visits are undertaken by car, but otherwise trips (around 2 week) is either undertaken by foot (40minute walk) or by bike (15 minute cycle). In addition, on average 3 trips per week to Glasallt Fawr in Llangadog which equates to 4,176km on an annual basis.

Whilst the applicants recognise that there will be increased traffic during the early stages of the development such as the building supplies, upon completion of the building works traffic generation is likely to reduce significantly. The applicants confirm that their trips to Glasallt Fawr would also cease.

A detailed breakdown of the type and frequency of trips per year upon establishment and occupation of the site has been provided and a breakdown of the average distances per trip. Strategies to minimise trip generation include combined/shared journeys, purchasing of bulk products, multi purpose single trips, using public transport and cycling when possible.

It is considered that the applicants' strategy, which if implemented would enable trip generation to be reduced and journeys kept to a minimum, is realistic given the self-sufficient lifestyle proposed.

Notwithstanding the above, the annual monitoring report should detail annual movements to and from the site and look at ways to continually reduce these if the proposals in the Travel Plan are not met.

Ecological Footprint Analysis

PPW requires One Planet Development to initially achieve an ecological footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate clear potential to move towards 1.88 global hectares over time. The submitted EFA analysis explains the energy, housing and infrastructure, travel and transportation, food shop purchase, food homegrown, consumable goods and services plan and the calculation shows that the applicants' predicted footprint would be 2.37 global hectares per capita after the first year and falling to 1.64 global hectares per capita after five years which would exceed the target set out in TAN6.

The applicants must provide the actual figures for assessment and scrutiny by the Council in the annual monitoring report. The results will be interpreted using the current practice guidance and OPD Ecological Footprint Calculator.

Phasing, Monitoring and Exit Strategy

The Management Plan contains a phased programme of works along with a monitoring and exit strategy.

With regards phasing, some of the horticultural activities have already taken place on the site, these include soil improvement, vegetable growing, composting areas, ditch management, temporary rainwater harvesting measures, hedgerow management, tree and willow planting. In the event that planning permission is then granted, the phasing plan sets out a clear programme of works to implement their management plan to enable them to meet their objectives by year 5. In the period immediately following approval, the applicants intend to commence works to build the storage shed, cabin and drainage system. The applicants are not intending on living on the site in a temporary caravan as is the case with

other OPDs but rather continue to live in their accommodation in Llandeilo. Upon completion of the cabin the applicants will occupy the site and commence building the weaving workshop whilst maintaining the planted crops and trees, the greenhouse would follow in Year 2, with the fruit cages and chicken and duck coops in year 3, by year 4 and 5 the build works and structures would have been completed with maintenance of the land being the main activities.

The annual monitoring report will provide details of the progress made along with a re-run of the ecological footprint analysis. Commitments which have not been reached will have to be evidenced in the annual monitoring report. Critical failures need to be remedied with solutions and of how quickly they can be achieved. The Council will assess the monitoring report criteria outlined in the practice guidance.

The One Planet Development Practice Guidance indicates that the management plan should outline an exit strategy if the development fails to achieve one or more of the essential characteristics of OPD over a period of two years without instituting clear and effective measures to address the identified problems.

The applicants have confirmed that if the OPD should fail, or otherwise cease, all the buildings and structures on the site can be removed easily and the land could be returned to its former state within 12 months. The only elements that would be left would be the tree planting, ponds and hedging.

Summary

In summary it is considered having regard to the information contained with the Management Plan and supporting information that there is reasonable prospect of the applicants achieving the essential criteria and contributory elements of OPD by the end of Year 5 and as such complies with the requirements of TAN6.

Other Planning Considerations

Impact on the Character and Appearance of the Area

The development is located within an elevated position and, as with any development, will change the appearance of the site and surroundings. However, it is considered having regard to the design, low profile scale, siting, use of materials and intervening vegetation that the magnitude of the change would not be so significant to have a detrimental impact upon the character and appearance of the area. It is recognised that views from public vantage points especially towards the south would be achievable, however given the distances involved, the scale of the development and the intervening vegetation it is not considered that the development would be an overly dominant feature within the wider landscape to have a unacceptable impact. It is acknowledged that the site would be viewed with the context of the other adjoining OPDs and as such has the potential to have a cumulative impact, however, having again considered the nature of the built form and the intervening vegetation, whilst visible it is not considered that it would have a detrimental impact upon the character and appearance of the area.

Residential Amenity Impacts

There are existing farm dwellings to the north-west and south of the application site as well as adjoining units associated with the neighbouring OPDs. The distance maintained

between the aforementioned and the proposed development is such that it is not considered that overlooking is an issue nor is the physical impact of the proposal upon the amenity of the occupiers of neighbouring dwellings. As such it is considered that the proposal would accord with Policy GP1 of the LDP having regard to residential amenity.

Transportation and Highway Safety

The proposal includes for the provision of a new access to the site which can achieve the necessary visibility splays in the interests of highway safety as such the Highways Authority offer no objection to the scheme subject to the imposition of conditions. In terms of traffic generation, as mentioned above, whilst an increase in traffic would be generated at the initial stages during the main construction phase, upon establishment traffic generation would decrease significantly. Furthermore, the applicants themselves and people visiting the site will be encouraged to use sustainable means such as public transport, car sharing and bicycle. There appears to be ample space within the site for turning to allow vehicles to exit the site in a forward gear. The proposal is therefore considered to accord with Policies TR3 and TR4 of the LDP

Ecology and Biodiversity

The application is supported by an Preliminary Ecological Assessment by Ecologist Matt Sutton, undertaken in May 2023. The survey report concludes that the development does not appear to present a risk to habitats or protected species and is likely to result in significant increases in biodiversity through the proposed management, maintenance and additional planting of the site as part of the overall OPD proposal.

The site is located within the phosphate sensitive catchment area of the River Tywi Special Area of Conservation, however given the proposal to utilise a composting toilet and the details how human waste would be utilised on the site, it has been concluded that the proposal would not result in an increase in phosphates entering the catchment area.

The Authority's Planning Ecologist has considered the proposal and offer no objections and confirm that the proposal would result in a net benefit to biodiversity through the measures and proposals set out in the management plan and thus complies with Policies SP14, EQ4 and the duty imposed on Local Planning Authorities by the Environment Act 2016 as advocated in Planning Policy Wales Edition 12.

Third Party Representations

The majority of the objections received have been addressed above. However, in terms of publicising the application, it can be confirmed that a site notice was erected at the entrance to the site in line with statutory requirements set out in planning legislation.

Planning Obligations

The application is required to be subject to a Section 106 agreement to tie the dwelling to the land and include a commitment that the dwelling will be the sole residence of the occupants.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed development complies with Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) and the accompanying One Planet Development Practice Guidance and policies SP14, GP1, TR2, TR3, EQ4, of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposal is supported by sufficient information to demonstrate that there is a strong prospect that the proposal would substantially meet the One Planet Development criteria within the required timescales. The submitted information indicates that the development would achieve the overall target of 1.88 global hectares per person as set out in the One Planet Development policy and practice guidance documents. The proposal would not have a detrimental impact upon the character and appearance of the area and includes various proposals to improve the site's environment and biodiversity and would not have an unacceptable impact upon the living conditions of nearby residents and the development would not result in unacceptable impacts to highway safety. The development would not likely have a significant effect on the Afon Tywi SAC through increased phosphate levels.

The application is therefore recommended for approval subject to the applicants entering into and completing a Section 106 agreement and the following conditions.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

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

Condition 2

The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-

- Location plan

- Site Plan
- WET System Plan
- Cabin Floor and Elevation Plans
- Weaving Workshop Floor and Elevation plans
- Greenhouse/Workshop Plans
- Storage Shed Elevations
- Solar Array Elevations
- Woodstore elevations
- Management Plan and Appendices

Received 22 August 2023

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

Condition 3

No later than 1 April each year, commencing in the second year after development commences, the occupiers of the site shall submit to the Local Planning Authority an Annual Monitoring Report giving details of the activities carried out during the previous calendar year (1 January to 31 December), setting out performance against the One Planet Development essential criteria as stated within the Management Plan, received 22 August 2023. In the event that the Annual Monitoring Report identifies that any objective has not been met, a supplementary report setting out corrective or mitigating measures shall be submitted to the local planning authority no later than 1 month following the submission of the Annual Monitoring Report. These measures shall be implemented, in full and within the timescales stated, as set out in the report and shall form the basis of assessment, along with the original Management Plan for the subsequent Annual Monitoring Report.

Reason: To ensure commitment and compliance with the objectives of TAN6 and the One Planet Development Practice Guidance and to avoid the creation of an unencumbered dwelling-house in the open countryside contrary to national and local planning policies.

Condition 4

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

Reason: In the interest of highway safety in accordance with policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 5

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

Reason: In the interest of highway safety in accordance with policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 6

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

Reason: In the interest of highway safety in accordance with policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 7

Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 60 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

Reason: In the interest of highway safety in accordance with policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 8

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 interest of highway safety in accordance with policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 9

Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained.

Reason: In the interest of highway safety in accordance with policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 10

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, amending and re-enacting that Order), no development of the types described in Schedule 2, Part 1, Classes A, B, C, D, E and F other than that hereby approved, shall be carried out without the written permission of the Local Planning Authority.

Reason: To ensure the development accords with One Planet Development principles and to accord with policies GP1 of the Carmarthenshire Local Development Plan 2014 and Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010) and associated Practice Guidance.

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

This permission is subject to the clauses set out in a Section 106 Agreement that ties the dwelling to the land to ensure that the proposal complies with the requirements of the One Planet Development Policy and Practice Guidance documents and avoids the creation of an unencumbered dwelling in the open countryside contrary to national and local planning policies.

Note 3

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

Application No	PL/06651
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Application Type	Full planning permission
Proposal	Change of use of existing public house to residential dwelling
Location	Tafarn Y Deri, Ebenezer Road, Llanedi, Swansea, SA4 0YT

Applicant(s)	Maddison Capital Ventures Ltd - A Ramsey Williams
Agent	Adrian Phillips
Officer	Andrew Francis
Ward	Tycroes
Date of validation	14/11/2023

Reason for Committee

The application is being reported to Planning Committee following the submission of more than three letters of objection and following a Call-In request by Cllr T Higgins.

Site

The application site consists of the existing building and curtilage of the existing Tafarn y Deri public house and restaurant, situated on the eastern flank of the B4297 in the centre of the village of Llanedi, opposite the large houses that make up the Y Garreg Llwyd Housing site and on the corner of the junction with the Clos y Deri cul-de-sac.

The front of the existing building is dominated by a single storey conservatory that spans the entire frontage of some 15.5 metres in width. The side elevation shows the various extensions that have been added to the building over time, from a form of cat slide roof from the original steeply pitched roof at the rear to a number of different single storey, often flat roof rear additions. Overall, in side profile, the building has a current depth of 33.26 metres, with approximately 14 metres accounting for the main building with the remainder consisting of the various additions.

Internally, the building is accessed via a small porch on the northern side elevation, facing the car park. The front of the building, facing the road consists of the restaurant area at

ground floor , whilst behind this is the bar area and toilets. Beyond this to the east, situated within the single storey additions are the kitchen and storage facilities.

The first floor of the building is split into four guest bedroom, each with an ensuite and a two bedroom manager's residential flat with a lounge, kitchen and shower room.

Proposal

The planning application submitted seeks to convert the existing public house (Use Class A3) into a large single dwelling unit (Use Class C3a). As part of the conversion, the large conservatory across the facade of the building is to be removed, as are much of the single storey flat roof additions to the rear of the existing property.

Internally, the existing walls are to be retained for the most part to provide a large lounge area, sitting room, kitchen and dining area, study, garden room, utility room, pantry, store and, hallway and W.C. At first floor, six bedrooms are proposed, all with en-suites.

The proposed change of use has been justified with the support of a Marketing Activity Report provided by Dawsons Estate Agents. The report states that the property was initially purchased in June 2015 and has had 4 consecutive tenancies since then, up until December 2020. According to the report, each of these tenancies experienced commercial failure, resulting in substantial debts and liquidations. Consequently, Dawsons was enlisted to market the property for sale in December 2020, initially with an asking price of £410,000, which was £10,000 less than the original purchase price. The price was subsequently decreased to £395,000 in June 2021, £385,000 in July 2021, and £375,000 in November 2021. Starting from 2022, the property was advertised as "offers invited" with the price available upon application in order to attract inquiries of various kinds. As of May 18, 2023, the property has been on the market for 126 weeks.

During this time period, there have been six inquiries, but only one viewing has taken place. After thorough evaluation, it has been determined that the business fails to meet the lending requirements in terms of loan-to-value ratio. Furthermore, the historical financial records do not demonstrate the sustainability of the business, including its capacity to cover fixed overheads such as business rates and indirect costs like utilities. In addition, the location lacks proximity to major roadways for passing traffic, and it does not seem to attract interest from the local community or serve as a destination of interest to the surrounding area. Given the limited potential customer base in the local population and demographics, it is improbable that the property can maintain a satisfactory level of trade. Consequently, the property does not satisfy the criteria established by national corporate operators or small local multi-site independents.

Planning Site History

S/00854 - Proposed conservatory extension to front elevation - Full Granted - 24/10/1997

D5/16598 - Change of use from two residential properties to a public house - Full Granted - 24/11/1994

D5/10786,

D5/8198

Planning Policy

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

SP1 - Sustainable Places and Spaces
SP2 - Climate Change
SP3 - Sustainable Distribution- Settlement Framework
SP14 - Protection and Enhancement of the Natural Environment
SP16 Community Facilities
GP1 - Sustainability and High Quality Design
GP2 - Development Limits
H2 - Housing within Development Limits
RT8 – Local Shops and Facilities
TR3 - Highways in Developments – Design Considerations
EQ4 - Biodiversity
EP2 - Pollution

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transportation & Highways – No objections, recommends the imposition of conditions.

Llanedi Community Council – No observations have been received to date.

Local Member - Councillor T Higgins has requested that this application be presented before the Planning Committee and has asked to speak before the Committee, for the following reasons:

- Tafarn Y Deri is a thriving business.
- Premises is occupied by a family who manage the pub and who accommodate and encourage local charity groups.
- Changing to a residential dwelling would be a great loss to the village.
- Llanedi is supported by Tafarn Y Deri.

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

Summary of Public Representations

The application was the subject of notification by way of a site notice.

Fifteen representations were received, all objecting. The matters raised are summarised as follows:

- The application does not conform to policy RT8 as there is no easily walkable alternative, it is the only pub in the village and one of the village's primary amenities.
- The local pub is a thriving business, providing employment for local people and benefiting the economy in this region of the county.
- The pub hosts community meetings, charity events, and supports the friends of Llanedi group, raising money for good causes and bringing the elderly community together.
- The village would be significantly impacted if the pub was lost as the pub is not just a place to eat and drink but also a place for the community to meet, positively impacting health and wellbeing.
- The pub is a fully functioning Country Pub run by a family who live on the premises.
- The pub is the heart of the village and employs about twelve people.
- There are concerns that the intention of the applicant is to eventually turn the property into a rest-home.
- There are concerns about potential damage to nearby properties and loss of sunlight and privacy.
- The proposed dwellings would obstruct views and negatively impact the surrounding area.

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

Appraisal

This application is hereby submitted to seek planning permission to convert the existing public house and restaurant into a single residential dwelling. The building in question is centrally located within the small village of Llanedi, in close proximity to several substantial residences. This application will undergo thorough scrutiny across various criteria in order to evaluate the proposal as presented.

Principle of Development

Before the specific details of the application that have been raised can be considered, the basic principle of the development and the policy situation needs to be explored and understood.

Policy RT8 – Local Shops and Facilities allows for consideration of such proposals. The Carmarthenshire Local Development Plan (2014) identifies and recognises the contribution of local services such as public houses which will contribute to the future viability of settlements and communities, both in terms of providing a service but also in offering 'meeting places' where community interaction can occur and community spirit can be enhanced. Indeed many of the points of objection received as part of the consultation process, focused on issues related to these points, as can be seen in the summary above.

In the exploration of this issue, the Council also acknowledges the significance of community facilities and services in areas where there is a strong local reliance on them. These services play a crucial role in the economic well-being of the communities and also contribute to social inclusion, particularly for individuals with limited mobility within the community. Factors such as demand and the valuable nature of residential land in rural areas often lead to pressure from property owners to alter the purpose or redevelop such facilities for residential use, even when the business is thriving. The potential income from an alternate development may surpass that of a shop or other activity. This policy aims to mitigate the pressures for change by ensuring that unless reasonable alternative facilities are available

and the shop or facility is economically sustainable at appropriate rent levels, its closure will not be permitted. While the policy endeavors to safeguard against the loss of facilities, provisions are also made for situations where it can be demonstrated that such facilities are no longer necessary or feasible. Specifically, the policy mandates that:

In the absence of an alternative provision, proposals resulting in the loss of the local shop or service will only be permitted if it can be demonstrated to the Council's satisfaction that all reasonable attempts have been made to market the business for sale or let over a 12 month period and have failed.

Hence, as part of the application, it was supported by the Marketing Activity Report from Dawsons Estate Agents, which contains a summary of its contents as mentioned earlier. Consequently, it is evident that the establishment in question is not a thriving countryside pub and restaurant, contrary to what several objectors have claimed. Indeed, it has consistently incurred losses for all four tenants who have occupied the lease, leaving all with debts. Furthermore, the value of the property has experienced a decline since its initial purchase in 2015, when it was acquired for a price of £420,000. Subsequently, the property has been advertised for sale since December 2020, with progressively decreasing prices, yet it has only garnered one viewing and failed to attract any interest for purchase.

The aforementioned Report draws the conclusion that, after conducting a detailed evaluation, the business fails to meet the lending requirements in terms of loan-to-value ratio. Moreover, the historical financial records fail to demonstrate the feasibility of the establishment, specifically its capacity to cover fixed overhead costs such as business rates and miscellaneous expenses like utilities. Additionally, the location of the property does not enjoy proximity to major thoroughfares that generate passing traffic. Furthermore, it does not attract enough trade from the local community nor serve as a notable destination for the surrounding area. Given the limited potential customer base within the local population and demographics, it is improbable that the property can sustain a satisfactory level of trade. Consequently, the property does not align with the criteria established by national corporate operators or small local multi-site independents.

Based on the above, it is considered that it has been demonstrated to the Council's satisfaction that reasonable attempts have been made to market the business for sale or let for over 12 months, which have failed. The current owners and lease holder cannot continue to operate the business as a charity to support the small local community, which unfortunately doesn't generate the income required to maintain the profitability of the pub and restaurant.

Residential Amenity

- There are concerns about potential damage to nearby properties and loss of sunlight and privacy.
- The proposed dwellings would obstruct views and negatively impact the surrounding area.

With regard to the above points of objection raised, as can be seen from the submitted plans, the building, as proposed will actually be smaller than the existing building, with no new extensions or additions that would affect the neighbouring properties. Furthermore, the use of the dwelling as a single residential dwelling would be a less intensive use of the property than a public house/restaurant, with 4 guest bedrooms so the potential impact on neighbours

would much likely be less rather than more. Indeed, this type of objection is usually received when a dwelling is intended to be converted into a pub/restaurant/guesthouse.

Finally, as Members will be aware, loss or obstruction of views is not considered to be a material planning objection and as such, cannot be considered.

- There are concerns that the intention of the applicant is to eventually turn the property into a rest-home.

With regard to this point, the application, as submitted makes no reference to the conversion of the building into a rest-home and as such, we can only consider and determine the application submitted before us.

Ecology

The application was originally submitted without a bat survey, which, given the demolition of the buildings, received an objection from the Planning Ecologists. The requested Bat Survey has now been received, which shows that the building holds a day roost for an individual common pipistrelle bat and as such, a bat derogation licence together with mitigation and compensation measures are required to be included within the submitted drawings submitted for consideration. The plans currently submitted do not contain any mitigation or compensatory measures to account for the loss of potential bat habitat.

Amended plans have been requested that incorporate the required mitigation and compensation measures and should they be received in time will be included in the addendum.

Design

The submitted plans are acceptable in terms of amendments to the existing building. The removal of the front uPVC conservatory and flat roof rear additions rationalise and improve the building, revealing more of its traditional character and providing more amenity space to the front and rear. These changes are considered to be acceptable and in keeping with Policy GP1.

Planning Obligations

As the property already accommodates a residential unit, there is no net gain proposed by this proposal. Therefore, this application does not generate the need to provide any planning obligations.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted, it is concluded on balance that the proposal is compliant with policies RT8 and GP1 of the Carmarthenshire Local Development Plan (2014) as sufficient justification has been given showing that even in the absence of an alternative facility, all reasonable attempts to market the business for sale or let over a 12 month period have failed and as such, the proposal is recommended for APPROVAL.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

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

Condition 2

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

- Green Infrastructure Statement

Received 15 February 2024

- Phase 2 Bat Survey Report - 24th August 2023

Received 31 January 2024

- Block and Location Plans [10.204.01A]

11 December 2023

- Proposed First Floor Plan [10.204.08]
- Existing Ground Floor Plan [10.204.04]
- Existing First Floor Plan [10.204.05]
- Proposed Elevations [10.204.09]
- Existing Floor Plans [10.204.02]
- Proposed Ground Floor Plan [10.204.07]
- Proposed Floor Plans [10.204.06]
- Existing Elevations [10.204.03]

Received 28 September 2023

Reason: For the avoidance of doubt as to the extent of this permission.

Condition 3

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 and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 4

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Clos-Y-Deri and B4297 road frontage within 2.4 metres of the near edge of the carriageway.

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

Condition 5

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 and turning facilities is to be obstructed by non-motorised vehicles.

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

Condition 6

The means of vehicular access into the site from Clos-Y-Deri shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.

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

Notes / Informatives

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

The proposed development complies with Policies SP1, SP14, GP1, GP2, H1, AH1, RT8 TR1, TR3 and EQ4, of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed development is situated within the development limits for Llanedi and a marketing report shows that the property has been for sale for over 3 years, at a lower

price than the original purchase price and has been reduced further, with no interest, satisfying the specific requirement of Policy RT8. As there is an existing residential unit within the building, there is no net gain and no requirement for an affordable housing contribution. It is located in a sustainable location, would have an acceptable scale 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).

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/06529
Application Type	Full planning permission
Proposal	Local Need Dwelling (Re-submission of PL/04500 Refused on 18/10/2022)
Location	Land at Old Hunt Kennels, Llandybie, Ammanford, SA18 3NX
Applicant(s)	Jake Randall
Agent	Ceri Davies
Officer	Charlotte Ford
Ward	Llanfihangel Aberbythych
Date of validation	07/09/2023

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Hefin Jones, Local Member for the Llanfihangel Aberbythych ward.

Site

The application site comprises part of a broadly rectangular shaped field enclosure which fronts onto the C2145 Classified Road. The site lies approximately 40 metres north of Milo, the nearest village with defined settlement development limits.

Proposal

The application is a resubmission of a previously refused application for a local needs dwelling on the same site (PL/04500). The applicant seeks full planning permission for a new detached dwelling outside of development limits. In terms of scale and massing, the proposed development includes a four bedroom family dwelling and has a floorspace of approximately 192m².

The proposal is for a local needs dwelling and a supporting statement has been submitted outlining the rationale for the proposal and information relating to the circumstances of the applicant. The applicant attended Amman Valley Comprehensive School and subsequently attended Coleg Sir Gar. The applicant now works as a roofing contractor, with the company based at Parc Amanwy in Ammanford and has been actively involved with a number of local rugby teams. Moreover, the applicant's partner is also from Ammanford. As outlined in the supporting statement, given the couple's personal circumstances, their current accommodation (residing with the applicant's parents), in addition due to rising house prices and the small number of suitable properties currently available on the open market in the locality, the applicants have been unable to secure alternative or more adequate permanent accommodation.

Planning Site History

PL/05400 - Local Need Dwelling - Refused – 18 October 2022

Planning Policy

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

SP1 - Sustainable Places and Spaces
SP2 - Climate Change
SP3 - Sustainable Distribution- Settlement Framework
SP14 - Protection and Enhancement of the Natural Environment
GP1 - Sustainability and High-Quality Design
GP2 - Development Limits
GP3 - Planning Obligations
AH2 - Affordable Housing – Affordable Housing Exception Sites
TR3 - Highways in Developments – Design Considerations
EQ4 - Biodiversity
EQ5 - Corridors, Networks and Features of Distinctiveness
EP1 - Water Quality and Resources
EP2 - Pollution
EP3 - Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Local Member - Councillor H. Jones - Requests that the application is referred to the Planning Committee for determination for the following reason:-
for discussion with the Planning Committee on the siting of the proposed dwelling.

Community Council - No comments received.

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

Conservation (Trees) – No objections.

Ecology - No objections subject to condition regarding the submission of a net benefit for biodiversity scheme.

Landscape Officer - No objections subject to conditions.

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

Summary of Public Representations

The application was the subject of notification by way of a site notice erected 12.09.2023 and was in situ for a period of 21 days. No public representations have been received by the Local Planning Authority at the time of writing this report.

Appraisal

Principle of the development

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

Having regard for the information submitted the application has been assessed against the Council's local needs policies (namely Policy AH2). Policy AH2 provides the criterion against which such applications must be considered which specifies:

Policy AH2 Affordable Housing – Exceptions Sites

Proposals for 100% affordable housing development on sites immediately adjacent to the Development Limits of defined settlements (Policy SP3), will in exceptional circumstances be permitted where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and where:

- a. The site represents a logical extension to the Development Limits and is of a scale appropriate and in keeping with the character of the settlement;*
- b. The benefits of the initial affordability will be retained for all subsequent occupants;*
- c. It is of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups;*
- d. There are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing.*

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

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

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

Having regard to the supporting statement which accompanied the application, it is concluded that the applicant would meet the definition of local need. It is considered on balance that the applicant has provided sufficient information to demonstrate that they meet the definition, in that they have a long standing link to the area. The applicants parents moved to the area approximately 21 years ago, moreover, the applicant and their partner both attended Amman Valley Comprehensive School. The applicant is currently in full time employment in Parc Amanwy in Ammanford (approximately 5 miles from the application site).

The applicant and their family previously resided in rented accommodation in Tycroes but now reside with the applicants parents, as the rented accommodation was no longer deemed affordable. Within the supporting statement the applicant has advised that albeit a temporary arrangement, their accommodation is inadequate in terms of space for the appellants and their young family. In addition, due to rising house prices and the small number of suitable properties currently available on the open market in the locality, the appellants have been unable to secure alternative or more adequate permanent accommodation.

In terms of criteria (a) of LDP Policy AH2, the proposed development site should represent *"a logical extension to the Development Limits and is of a scale appropriate and in keeping with the character of the settlement"*. Having further regard to the site's location, Paragraph 3.60 of PPW Edition 12 states that *"development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation."* The sites' location is not within the development limits of Milo and is separated by a parcel of land, the remainder of the site is immediately surrounded by a mixture of open countryside and farmsteads, therefore the proposal does not propose a logical extension to the Development Limits. With regards to the scale and design of the proposed dwelling it is noted that it is in keeping with the dwellings in the wider area of Milo. Nonetheless, these dwellings are not immediately adjacent to the application site and separated by land, as such the proposed dwelling would be viewed as a sporadic, fragmented and disjointed pattern of residential development. Moreover, the scale of the proposed dwelling is not appropriate for the purposes of an affordable dwelling.

Notwithstanding this, consideration has been given to the remaining criteria of Policy AH2. In terms of the remaining criteria of Policy AH2, namely (b), (c) and (d), as stated above the application is for a property intended to meet a local need for affordable housing.

Regard is given to the Welsh Government document 'Welsh Development Quality Requirements 2021 – Creating Beautiful Homes and Places'. This sets out the National minimum functional quality standards for new and rehabilitated general needs affordable homes. According to this document the largest affordable dwelling specified is 114sqm, which is suitable for 7 persons/4 bedrooms. The proposed dwelling included in this planning application significantly exceeds this standard being approximately 192sqm. This is substantially more than the floorspace standards set by Welsh Government.

The supporting statement claims that the average house price in the immediate vicinity and wider area varies between £310,000 - £600,000 for a 4 bedroom detached dwelling. As such, it is anticipated the costs will be significantly less than this being that the land will be gifted to the applicant and that the majority of the building work will be undertaken by the applicant with the help of friends and family who have trades. A search undertaken on the 12.02.2024 utilising the 'Rightmove' website showed that within a 5 mile radius of the subject site there were 40 4 bedroom dwellings available to purchase that ranged between £159,000 and £600,000.

Whilst the initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to control the future sale of the property and ensuring the property would remain affordable in the longer term, this has not been pursued given the policy objection to the development in relation to its scale and siting as referred to above.

A scheme for 6 x 4 bedroom detached dwellings has recently been granted in 2021 under application reference E/40650. This site relates to the former milo school approximately 0.53km from the application site. Whilst no on site affordable housing has been provided as part of the scheme a significant financial contributions towards affordable housing within the area was obtained. There are schemes in the wider sustainable community and in the Ammanford Cross Hands Growth Area which would provide suitable affordable housing opportunities for the applicants.

As such, following the previous refusal under application reference PL/04500 it remains that the siting of the dwelling in this remote location fails to meet Criteria (a) of Policy AH2. The proposal therefore would result in an isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area. Moreover, it is considered the proposal is contrary to criteria, namely (b), (c) of policy AH2 in that the scale of the proposed dwelling is substantially more than the floorspace standards set by Welsh Government and not compatible with an affordable dwelling and available to low or moderate income groups. In light of the above, the proposal would constitute inappropriate and intrusive rural development that would be harmful to visual amenity, the character and appearance of the countryside and at odds with the principles of sustainable development, contrary to Policies SP1, SP14, GP1 and AH2 of the adopted Carmarthenshire Local Development Plan (2014).

Planning Obligations

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

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted, it is concluded on balance that the proposal represents an isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area which fails to comply with the requirements of a local needs dwelling by reason of its scale and siting and is therefore contrary with the policy objectives of AH2 of the Local Development Plan. In light of this, it is recommended that planning permission be refused.

RECOMMENDATION - Refusal

Reasons

Reason 1

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The application site is not immediately adjacent to the development limits and would not present a logical extension and as such development of the site would result in a sporadic, fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. Furthermore, the indicative scale of the dwelling and related residential curtilage are not considered compatible with an affordable dwelling that would be available to low or moderate income groups. As such, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful to visual amenity, the character and appearance of the countryside and at odds with the principles of sustainable development, contrary to Policies SP1, SP14, GP1 and AH2 of the adopted Carmarthenshire Local Development Plan (2014).

Application No	PL/06880
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Application Type	Full planning permission
Proposal	Construction of dwelling (Resubmission of PL/05554 Refused on 14/08/2023)
Location	Land at 60 Heol Y Felin, Pontyberem, Llanelli, SA15 5DB

Applicant(s)	Richard Mainwaring
Agent	Ceri Davies
Officer	Adam Davies
Ward	Pontyberem
Date of validation	27/11/2023

Reason for Committee

A call in request has been provided by the Local Member, Liam Bowen, along with the following material planning considerations:

- The proposal relates to a modest sized house within a large rear garden and sits in comfortable in this location without adversely affecting the amenity of neighbouring houses.
- Although it is classified as backland development, there are several an example of neighbouring houses that have been built behind houses facing Heol y Felin.

Site

The application site sits within the residential curtilage of no.60 Heol Y Felin and comprises an irregular shaped area of land accessed off a shared drive. The site is situated to the Northern part of Pontyberem and 900m South East of Bancffosfelen.

In terms of site dimensions, it has an average depth of approximately 50 metres and a typical width of 31 metres, discounting the access and existing dwelling. Overall, the site measures approximately 0.15 Ha, again discounting the access and existing dwelling. The site slopes from the north to the south.

Proposal

The application presented before the Committee is for the development of a 2 bedroom dormer bungalow.

The proposed dwelling measures 12.3 metres in width and a length of 11.7 metres with a maximum height of 3.2 metres. The bungalow dwelling is designed around a main steep pitched roof with gable ends, and a second gabled feature cut into the main roof provided the remained of the dwelling and dormer aspect.

Internally, the dwelling provides two main bedrooms split across the two floors, one with en-suite facility. The low ground comprises of a communal bathroom, office, utility room and open plan kitchen/dinner and living room.

Externally, the proposed dwelling is to have a facebrick/smooth render finish, with Flat profiled grey tiles/slates

The proposed dwelling has an external footprint of 125 sq metres and an internal floor area of 141 sq metres.

Planning Site History

S/16049 - Outline planning for one dwelling - Outline Refusal

PL/03225 - Construction of a split-level dwelling - Full Refusal - 03/03/2022

PL/05554 - Construction of dwelling (Resubmission of PL/03225) - Full Refusal - 14/08/2023

Planning Policy

Policy GP1 - Sustainability and High Quality Design

Policy GP2 - Development Limits

Policy AH1 - Affordable Housing

Policy TR3 - Highways in Developments - Design Considerations

Policy EQ4 - Biodiversity

Summary of Consultation Responses

Local Member Liam Bowen - The Local member has expressed his support for the proposal and requests for it to be decided at committee.

Highways Planning - No objection.

SAB (Sustainable Drainage Approval Body) - No objection, however, SuDS application is required.

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

Summary of Public Representations

No public representations received

Appraisal

The proposal looks to erect a 2 bedroom dormer bungalow within the rear amenity area of No.60 Heol y Felin. Heol Y Felin and surrounding area primarily consists of road fronted residential properties with independent accesses and large rear outdoor amenity space. It is considered that the proposal would be at odds with this and would represent an unacceptable form of backland and tandem development.

Due to its siting within the site, the proposal will result in overdevelopment of the site which will reduce the amenity area of no.60 significantly. The remaining amenity area would not be proportionate to the scale of the existing dwelling (no. 60) or meet the needs of its existing/future occupiers, this would also be at odds with the spatial character of the surrounding area which primarily consists of road fronted properties with large rear garden areas.

The site slopes down significantly from the rear boundary of the property towards the front boundary of the property, and due to the siting and position of the proposal, it's considered that the proposed dwelling would represent an overbearing and unneighbourly form of development, resulting in significant loss of outlook and privacy, to the detriment of their residential amenities. It is understood that the development will be used by the applicants son, however, privacy must protected for future generations.

It is considered that the shared access arrangement and uncontrolled movements in close proximity to the independent neighbouring properties of Nos. 60 and 62 Heol y Felin, would constitute a source of nuisance and generate additional noise, disturbance and loss of privacy, that would be unduly harmful to their residential amenities.

Due to the sloping nature of the land, significant ground alteration will need to be carried out on the site. The application has failed to provide any information qualifying and quantifying the extent of the cut and fill earthwork proposed and the level of waste generated. Therefore, we have been unable to adequately assessing the materials balance of the design of the development, its associated impacts in terms of the transportation and disposal of waste, and whether it represents a sustainable form of development.

The applicant has failed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 securing a financial contribution towards the provision of affordable housing in local area.

Planning Obligations

With reference to the requirements of the policy framework of the LDP. The applicants are required to enter into a section 106 agreement that will secure an affordable housing contribution.

Well-being of Future Generations (Wales) Act 2015

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

through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

After careful consideration of the scheme as submitted, together with the representations received, it is concluded on balance that the proposal is at odds with the policy objectives of the Local Development Plan and the application is therefore put forward with a recommended for refusal.

RECOMMENDATION - Refusal

Reasons

Reason 1

The proposal represents an unacceptable form of backland and tandem development which is inappropriate within its context and spatial character of the area which primarily consists of road fronted residential properties with independent accesses and large rear outdoor amenity space. The proposal is therefore contrary to Policies SP1, GP1 and H2 of the Carmarthenshire Local Development Plan (adopted December 2014) and Supplementary Planning Guidance: Placemaking and Design (adopted September 2016).

Reason 2

The proposal represents an unacceptable form of backland and tandem development which, by virtue of its elevated siting, scale, design and relationship with the dormer bungalow of No.60 Heol y Felin and its amenity spaces, would represent an overbearing and unneighbourly form of development, resulting in significant loss of outlook and privacy, to the detriment of their residential amenities. The proposal is therefore contrary to Policies SP1, GP1 and H2 of the Carmarthenshire Local Development Plan (adopted December 2014).

Reason 3

The proposal represents an unacceptable form of backland and tandem development which, by virtue of the shared access arrangement and uncontrolled movements in close proximity to the independent neighbouring properties of Nos. 60 and 62 Heol y Felin, would constitute a source of nuisance and generate additional noise, disturbance and loss of privacy, that would be unduly harmful to their residential amenities. The proposal is therefore contrary to Policies SP1, GP1 and H2 of the Carmarthenshire Local Development Plan (adopted December 2014).

Reason 4

The proposal would constitute the overdevelopment of the site by virtue of the restricted private garden space provided for the existing property of No. 60 Heol y Felin. The property would be served by a small private amenity area that would not be proportionate to the scale of the existing dwelling or meet the needs of its existing/future occupiers, while also being at odds with the spatial character of the surrounding area which primarily consists of road

fronted properties with large rear garden areas. The proposal is therefore contrary to Policies SP1, GP1 and H2 of the Carmarthenshire Local Development Plan (adopted December 2014).

Reason 5

The proposal is contrary to Policies SP1 and GP1 of the Carmarthenshire Local Development Plan (adopted December 2014) and paragraphs 5.12.3 and 5.12.4 of Planning Policy Wales Edition 12, February 2024 in that it will involve engineering works that will significantly alter the existing topography of the land through the excavation of large areas of the site. The absence of information qualifying and quantifying the extent of the cut and fill earthwork proposed and the level of waste generated, has precluded the Local Planning Authority from adequately assessing the materials balance of the design of the development, its associated impacts in terms of the transportation and disposal of waste, and whether it represents a sustainable form of development.

Reason 6

The proposal is contrary to Policy AH1 – ‘Affordable Housing’ of the adopted Carmarthenshire Local Development Plan (adopted December 2014) in that the applicant has failed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 securing a financial contribution towards the provision of affordable housing in local area.

Notes / Informatives

Note 1

The applicant is advised that in the event that the other above fundamental reasons for refusal can be satisfactorily addressed, reason for refusal 6 could be overcome through the completion of a Section 106 agreement to secure the required contributions.