

**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**

12/10/2023

**I'W BENDERFYNU
FOR DECISION**

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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	12/10/2023
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/04864	Proposed full planning permission for construction of 10 dwellinghouses at Land to the rear of Y Garreg Llwyd, Ebenezer Road, Llanedi, SA4 0ZL
PL/05056	Construction of a 3.0m wide shared use path between Caerbryn and Penygroes at Phase 3 of the Shared-use Path between Pen-y-groes and Cae'r-bryn, Carmarthenshire, SA18 3EQ
PL05130	Demolition of existing dwellinghouse and Siting of 4no. Detached dwellinghouses at 22 Ar Y Bryn, Pembrey, Llanelli, SA16 0AX
PL/05546	Residential Development (9 Bungalows) at Land opposite the Plough and Harrow, Betws, Ammanford, SA18 2HE
PL/05766	5m tower extension to the existing installation. Relocation of 3 no. antennas and 2 no. dishes (detailed in application E/38278). Installation of 6 no. new antennas and 5 no. new ground-based cabinets. Installation of remote radio units, break out boxes, mast head amplifiers, GPS nodes and associated apparatus and ancillary works at Land at Nant Y Bai Forest, Rhandirmwyn, Llandovery, SA20 0PA
PL/06083	Proposed detached bungalow at 60 Heol Y Meinciau, Pontyates, Llanelli, SA15 5RT

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
PL/05822	Proposed residential development of 16 units, extension of estate road and associated works at Land formerly part of Cefn Farm and off Dan-y-Dderwen, Rhydargaeau, Carmarthen, SA32 7DQ

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/04864
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Application Type	Full planning permission
Proposal	Proposed full planning permission for construction of 10 dwelling houses
Location	Land to the rear of Y Garreg Llwyd, Ebenezer Road, Llanedi, SA4 0ZL

Applicant(s)	LJE Cardiff Construction Limited
Agent	Asbri Planning - Mr Richard Bowen
Officer	Paul Roberts
Ward	Tycroes
Date of validation	28/10/2022

Reason for Committee

This application is being reported to the Planning Committee following a request from the local member for the ward, Councillor Tina Higgins.

Site

The application site consists of an irregular shaped parcel of land measuring approximately 0.8 hectares in area located to the rear of the Garreg Llwyd in the village of Llanedi. It forms the eastern part of a large field enclosure that flanks the western side of the B4297 Ebenezer Road and has an existing vehicular access onto the roadway. It currently consists of a mix of grassland and bare ground with the majority of the site having previously been cleared with areas of ruderal growth having re-established since this time.

The levels of the site raise gently towards its southern boundary which is defined by a belt of well-established trees beyond which is an existing children's play area. The site's northern boundary runs contiguous with a stream corridor that is set at a lower level than the site and is characterised by trees and overgrown scrub. The site has no defined western boundary separating it from the remainder of the field enclosure with the area beyond this consisting of open countryside. The Garreg Llwyd housing estate is located to the south and east and is characterised by large detached properties set in generous curtilages.

The village of Llanedi consists primarily of detached properties and includes a primary school and public house which are within a short walking distance of the site.

Proposal

The application seeks full planning permission for the construction of 10 detached dwellings within the site together with associated access, infrastructure and landscaping works. The development will be accessed via a new estate road that will extend westwards into the site from Ebenezer Road before turning in a southerly direction. The dwellings themselves will consist of two storey houses and will be set around the site's boundaries and front onto the estate road which will be constructed to an adoptable standard with a 5.5 metre carriageway and flanking footways.

The houses are generous in proportions consisting of 3 five-bedroom properties and 7 four-bedroom properties set in large curtilages. They will all have the benefit of an integral or detached garage and have slated roofs and a mix of white render and bradstone elevational treatments. The latter finish reflects those of the properties in the neighbouring Garreg Llwyd estate. The finished levels of the development will be comparable to the prevailing ground levels of the site.

The application has been accompanied by a detailed landscaping scheme which retains the existing trees and hedgerows bordering the northern and southern boundaries of the site with the exception of a small section of the latter which is to be removed to provide a direct footpath link from the development to the neighbouring children's park immediately to the south. The scheme includes robust planting proposals throughout the development which include the planting of new native species hedgerows notably along the northern and eastern boundaries of the site as well as extensive pockets of greenery throughout the development and in particular fronting the curtilages of the new dwellings. These will be supplemented by boundary treatment measures which primarily consist of boundary fencing along the side and rear boundaries of the new properties.

Drainage details have also been provided in support of the application which include the provision of a mix of sustainable urban drainage measures within the development with the use of permeable paving and asphalt on the estate road and driveways, as well as swales and bioretention areas within the front and rear curtilages of the properties. The surface water from the development will be discharged to the stream to the north of the site at an attenuated rate with the detailed design of the surface water scheme being considered separately as part of a SAB application. The foul drainage from the development will be disposed of to a new system within the site that will be adopted by Dwr Cymru Welsh Water and discharge into the existing public sewer at the entrance to the site.

The original scheme submitted with the application proposed the construction of 11 dwellings which included the provision of two semi-detached properties that were to consist of affordable units. In addition, and in accordance with advice received from the Council's Parks and Education Service, officers sought to secure a contribution of £11,000 towards the improvement of education facilities in the local primary and secondary schools, and a contribution of £27,093 towards the improvement of existing play facilities in the neighbouring park. The applicant subsequently sought an assessment of the impact of these community benefits upon the viability of the development using the Council's own Development Viability Model (DVM) Assessment Tool. The assessment was undertaken by the Council's valuer and concluded that the scheme was not financially viable based upon

the suite of community benefits sought but would be in the scenario that the two affordable units were removed from the scheme and replaced by a detached open market dwelling of the same type as proposed elsewhere within the scheme.

The applicant amended the scheme to reflect this advice and it now relates to the provision of the 10 dwellings referred to above. The community benefits provided will comprise commuted payments of £11,000 and £27,093 towards education and open space/play provision improvements respectively, with no provision being made for affordable housing.

Finally, it is noteworthy that the application site currently has the benefit of planning permission for the construction of a new estate road to facilitate its future residential development. This was granted planning permission on 25 July 2019 under planning permission reference S/37922. The design and layout of the roadway approved under this permission reflects that proposed under the current application albeit there are minor variations in its alignment within parts of the site.

Planning Site History

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

S/40370 - Discharge Of Condition 13 On S/37922 (Japanese Knotweed) - Discharge Of Planning Condition Granted - 12/05/2020

S/40388 - Discharge Of Condition 12 (Written Statement From Ecologist) Of S/37922 - Discharge Of Planning Condition Granted - 14/04/2020

S/37922 - Road Layout Together With The Retention Of Inert Fill Material Required To Raise Site Levels In Order To Facilitate On-Site Drainage For Future Residential Development - Full Granted - 25/07/2019

S/20208 - Detached Two Storey Five Bedroom Dwelling - Full Refusal - 31/12/2008

D5/5506 - Residential Development - Full Refusal - 14/08/81

Planning Policy

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

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

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

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

Summary of Consultation Responses

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

Head of Public Protection – Has no objection subject to the imposition of conditions.

Llangain Community Council – No response received to date.

Local Members - County Councillor Tina Higgins Hughes has requested that the application be determined by the Planning Committee and raised the following concerns in respect of the development :

- Flooding – concerns that raising the land would mean that water would result in the surface water flooding of adjacent properties.
- Japanese Knotweed needs to be eradicated from the site.
- The land was previously landfill and any ground contamination must be eradicated.
- Potential impact upon privacy of adjacent residents.
- Need for Section 106 contributions to benefit the village.
- The waste-water treatment reed bed plant is getting close to its design capacity.

Dwr Cymru/Welsh Water – No objection.

Natural Resources Wales – No objection.

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

Wales and West Utilities – No objection.

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

Sustainable Drainage Approval Body (SAB) – Have confirmed that the surface water drainage scheme proposed to serve the development will require separate SAB approval.

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

Summary of Public Representations

The application was the subject of notification by way of the posting of site notices and the publication of a press notice in the local newspaper, with further site notices subsequently posted in respect of revisions to the original scheme. In response, 3 letters of objection have been received from two neighbouring residents which raise the following issues of concern.

- The dwelling on plot no. 3 of the development would overlook and overshadow the neighbouring property of no. 15 Garreg Llwyd and the need to impose conditions to remove the permitted development rights of this new property and require obscure glazing its first floor facing windows to safeguard the living conditions of the occupiers of the existing property.
- The surface water scheme proposed includes the construction of two drainage headwalls on land outside the application site in third party ownership.

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

Appraisal

Principle of development

The application site is allocated for residential development in the Authority's LDP under Policy H1 of the Plan and is identified as being capable of accommodating 7 dwellings, albeit this figure is indicative for the purposes of the Plan. Housing allocation SC36/H1 refers. The site also currently has the benefit of planning permission for the construction of a new estate road to facilitate its development for housing purposes. The principle of the residential development of the site is therefore well established. Whilst the number of units proposed exceed that identified in the LDP, nonetheless, the general scale, design and spatial layout of the houses are considered to be acceptable within the context of the surrounding pattern of development in Llanedi and particularly the mix of dwelling types and density of development in the neighbouring Garreg Llwyd estate. The dwellings are all set in generous curtilages with adequate parking and amenity provision and the number of units proposed represents a far more efficient use of the site than the markedly low density of development identified in the LDP. In this regard, the proposal is in accord with Welsh Government advice contained in Planning Policy Wales of ensuring the development management process makes the most efficient use of land and buildings.

Further, the design, finishing materials and extensive planting proposals will all contribute to providing a high-quality development that will provide a mix of new housing that will help support and sustain the existing services and facilities in the village, including the nearby public house and primary school. It will be served by a suitable access road that already has the benefit of planning permission and be well related to existing public transport facilities being within a short walking distance of the nearby bus stop. The development will also contribute towards the improvement of the existing play facilities in the village as well as the education facilities in the local primary and secondary catchment schools.

The development therefore accords with policies H1, SP1, SP3, SP9, TR2 and GP1, of the LDP in that it represents a sustainable form of development that will not have an unacceptable impact upon the character and appearance of the surrounding area.

Drainage and impact upon the living conditions

Whilst concerns have been raised regarding the potential impact of the development upon adjacent properties by way of surface water flooding, the detailed design of the surface water scheme will be assessed as part of a separate SAB application and the applicant will not be permitted to commence the development until the scheme has been assessed and approved by the Council's SAB team. This will safeguard against any unacceptable flooding impacts. Further, the full extent of the surface water drainage works are located within the red line application site and do not encroach onto third party land as suggested by one of the respondents.

In terms of foul drainage, the foul flows from the development will discharge to the public sewerage system and Welsh Water have confirmed their acceptance of the proposal and raised no concerns from either a sewage treatment or water supply perspective.

Concerns have been raised by the occupier of the neighbouring property of no. 15 Garreg Llwyd that the dwelling proposed on plot no. 3 of the development will overlook and overshadow their property. The new dwelling on plot no.3 will be orientated in a northerly direction with its eastern side elevation facing the respondent's property and the neighbouring property of no. 16 Garreg Llwyd. Whilst this elevation will have three first floor windows serving two bathrooms and a walk-in wardrobe, the imposition of conditions requiring that these be glazed in obscure glass will prevent any unacceptable harm by way of overlooking and loss of privacy. The southerly orientation of the first-floor windows in the rear elevation of the new dwelling will mean that any outlook would be at an oblique angle and not directly towards the rear of the respondent's property and will not therefore harm their existing living conditions. The new dwelling will also be adequately offset from the common boundary between both properties with the minimum separating distance of 17 metres between both houses being sufficient to ensure it will not unduly compromise the respondent's existing outlook or appear as an overbearing feature.

The respondent's suggestion that the permitted development rights of the new dwelling on plot no. 3 be removed thereby precluding any future extension without firstly obtaining planning permission is not considered reasonable or necessary. In the event that the new dwelling is extended in the future under the permitted development rights afforded by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, the requirements of the Order are such that any new upper floor window in the side elevation of the extension facing the respondent's property would need to be glazed in obscure glass.

The proposal is therefore in accord with the objectives of policies GP1, EP2 and EP3 of the LDP in that it will be drained in an acceptable manner and not unacceptably harm the living conditions of the occupants of adjacent properties.

Other Matters

As to the other concerns raised by the respondents, the applicant has provided a scheme for the eradication of Japanese Knotweed within the site and NRW have raised no objections in this regard. Its implementation will be a conditional requirement of the planning permission granted. Further, the ground investigation report accompanying the application identifies existing levels of contamination within the site and the Head of Public Protection has

recommended suitable conditions requiring the submission and approval of a suitable remediation strategy prior to the commencement of the development. The permission granted will be conditioned in accordance with this advice.

Planning Obligations

As indicated above, the application has been the subject of a viability assessment using the Council's Development Viability Model (DVM) Assessment Tool and following this assessment, the development will secure the following community benefits :

- A contribution of £27,093 towards the improvement of open space and /or recreational facilities in the village of Llanedi.
- A contribution of £11,000 towards the improvement of education facilities within the local primary and secondary catchment schools

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

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

Furthermore, the relevant statutory consultees have all confirmed their acceptance of the development in raising no sustained ecology, highway, utility provision or amenity objections to the application.

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

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

Reason:

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

Condition 2

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

- Engineering layout (100)
- Highway long section (101)
- Site location – Aerial Plan (001)
- Soft landscape proposals (1154.01 Rev F)

received on 23 August 2023

- Arboricultural Report – ArbTS Ltd dated 28 June 2023
- Proposed floor and elevations plan – House type 3 (03 Rev A)
- Proposed site plan (04 Rev B)
- Proposed site plan with topographical survey (05 Rev B)

received on 31 July 2023

- Location and block plan (08)
- Proposed floor plans and elevations – Plot 1 – House type 2 (02)
- Proposed Floor Plans and Elevations - Plots 2 & 3 - House Type 2 [02 H]
- Proposed Floor Plans and Elevations - Plots 4,5, & 6 - House Type 1 [01]
- Proposed Floor Plans and Elevations - Plots 7,8, & 9 - House Type 1 [01 H]

received on 22 November 2022

- Construction Environmental Management Plan – Easy Living, dated 25 July 2022
- Proposed external finishes
- Phase 2 Ground investigation – Groundsolve Ltd dated 22 September 2022
- Preliminary Ecological Appraisal - Hawkeswood Ecology dated May 2022
- Preliminary Risk Assessment - GroundSolve Ltd dated 31 May 2022
- Report & Management Plan for Control & Eradication of Invasive Plants - R2 Contracting - 25.05.22
- Section 3 - After Dig Report – Elcot – 2018 v.2

received on 7 October 2022

Reason:

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

Condition 3

The Landscape Design Scheme shown on the soft landscape proposals (1154.01 Rev F) received on 23 August 2023 shall be fully implemented in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is the sooner.

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

Reason:

To ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity.

Condition 4

The existing trees and hedgerows on the northern and southern boundaries of the site shall be retained and protected for the duration of the development in accordance with the details shown in the Arboricultural Report – ArbTS Ltd dated 28 June 2023 received on 31 July 2023.

Reason:

To ensure that the development enhances the character and appearance of the site by retaining existing landscape features.

Condition 5

No development shall commence until a detailed scheme for biodiversity enhancement based upon the recommendations of Section 8 of the Preliminary Ecological Appraisal - Hawkeswood Ecology dated May 2022 received on 7 October 2022 has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of biodiversity.

Condition 6

No development shall commence until an external lighting scheme based upon the recommendations of Section 8 of the Preliminary Ecological Appraisal - Hawkeswood Ecology dated May 2022 received on 7 October 2022 has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason:

To safeguard against any unacceptable ecological impacts.

Condition 7

The foul drainage scheme proposed to serve the development shall be completed in accordance with the approved details prior to the occupation of the dwellings. It shall be

retained thereafter for the lifetime of the development and no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To ensure the development is drained in an acceptable manner.

Condition 8

Prior to its use by vehicular traffic, the 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 B4297.

Reason:

In the interests of highway safety.

Condition 9

The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 10.0 metres from the near edge of the carriageway

Reason:

In the interests of highway safety.

Condition 10

Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 70.0 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway.

Reason:

In the interests of highway safety.

Condition 11

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

Reason:

In the interests of highway safety.

Condition 12

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

Reason:

In the interests of highway safety.

Condition 13

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.

Condition 14

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

Reason:

In the interests of highway safety.

Condition 15

No development shall commence until detailed proposals for site remediation and verification (Options Appraisal and Remediation Strategy) based upon the findings of the Phase 2 Ground investigation – Groundsolve Ltd dated 22 September 2022 and Preliminary Risk Assessment - GroundSolve Ltd dated 31 May 2022 received on 7 October 2022 have been submitted to and approved in writing by the local planning authority. The proposals shall demonstrate how the site will be brought to a condition suitable for the intended use by removing any unacceptable risks posed from contamination. They shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards and the development shall be undertaken in accordance with the approved details.

Reason:

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

Condition 16

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

Reason:

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

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:

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

Condition 18

The first-floor bathroom window and ensuite bathroom and walking-in wardrobe velux windows proposed in the eastern facing elevation and roof space of the House Type 2 dwelling proposed on Plot no. 3, as shown in the proposed floor plans and elevations - Plots 2 & 3 - House Type 2 [02 H] drawing received on 22 November 2022 shall be fitted with obscured glazing prior to the occupation of the dwelling. The window shall be permanently retained in that condition thereafter.

Reason:

To safeguard the living conditions of adjacent occupiers.

Condition 19

No development shall commence until a management plan, including management responsibilities and maintenance schedules for the landscaped areas proposed either side of the new estate road on its westerly approach into the development (to the east of the dwellings on plot nos. 6 and 8) shown on the soft landscape proposals drawing (1154.01 Rev F) received on 23 August 2023, and the proposed new footpath link running contiguous with the western boundary of plot no. 1 shown on the proposed site plan drawing (04 Rev B) received on 31 July 2023, have been submitted to and approved in writing by the local planning authority. The information shall include the following:

- a) Maintenance and management scheme for these areas, including monitoring and remedial operations;
- b) Details of the management company (agent, body or organisation) (where relevant) responsible for implementation of the Management Scheme; and the legal and funding mechanism(s) by which delivery of the Management Scheme will be secured for the lifetime of the proposed development.

These areas shall then be managed and maintained in accordance with the approved details for the lifetime of the approved development.

Reason:

In the interests of visual amenities and to ensure that the landscape proposals and footway are managed and maintained for the lifetime of the development.

Condition 20

No development shall commence until details of the proposed surface finish of the new footpath link running contiguous with the western boundary of plot no. 1 shown on the proposed site plan drawing (04 Rev B) received on 31 July 2023, have been submitted to and approved in writing by the local planning authority. The path shall be provided in accordance with the approved details prior to the occupation of the development.

Reason:

In the interests of visual amenities and to secure pedestrian linkages to and from the development.

Notes / Informatives

Note 1

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

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

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

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

Note 2

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

Note 3

The applicant is advised that this planning permission is subject to a Unilateral Undertaking requiring the payment of a commuted payment towards the provision of affordable housing in the local area.

Note 4

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

Note 5

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

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

Application No	PL/05056
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Application Type	Full planning permission
Proposal	Construction of a 3.0m wide shared use path between Caerbryn and Penygroes
Location	Phase 3 of the Shared-use Path between Pen-y-groes and Cae'r-bryn, Carmarthenshire, SA18 3EQ

Applicant(s)	Mr Jason Jones, Head of Regeneration
Agent	Mr Adrian Harries, Engineering Design Section
Officer	Hugh Towns
Ward	Penygroes
Date of validation	22/11/2022

Reason for Committee

Applications submitted by, or on behalf of, the Council or involving land owned by the Council and where the Council will receive a significant receipt as a result of the development.

Site

The application site forms a corridor of land running from the end of the lane serving 24, 26 and 28 Bridge Street to an existing access point on Penygroes Road, Caerbryn opposite Twin Oaks. The corridor generally follows existing field boundaries, but will break through existing hedgelines in places, and runs approx 430m north east from Bridge Street before turning through 90 degrees and heading north west for 150m until it reaches the boundary with the B4556 which runs from Penygroes to Caerbryn. The corridor continues eastwards along the roadside boundary for some 735m and exits onto Penygroes Road opposite Twin Oaks. The route runs entirely over restored opencast land and all habitats have been established since the cessation of opencast restorations which took place in the 1960s and 1970s.

Proposal

The proposal is to provide a 3m wide shared use path between Penygroes and Caerbryn. The Construction Specification is for 200mm thickness of granular sub-base, 50mm thickness of binder course and 20mm of surface course. This is Phase 3 of the scheme to link Llandybie with Penygroes, Phases 1 and 2 having already been completed in 2019 and 2020 respectively. The shared use path does not follow the line of the existing roadside footway between Caerbryn and Penygroes for a number of reasons:

- a) Constraints of the highway width and gradient, particularly near Penygroes square (frontage of houses on the highway itself),
- b) the speed of traffic along that road and the nature of the vehicles,
- c) several gate accesses along the B road to fields, potential for large agricultural machinery/vehicles and conflict with users

This limits the option to segregate pedestrians and cyclists away from the traffic with no buffer at either side of the carriageway as would be needed to achieve best practice as set out in the Active Travel Guidance.

Planning Site History

There is no relevant planning history.

Planning Policy

The following policies are of relevance to the proposal: -

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

Policy SP1 - Sustainable Places & Spaces

Policy SP2 - Climate Change

Policy SP9 - Transportation

Policy SP14 - Protection and Enhancement of the Natural Environment

Policy GP1 - Sustainability and High Quality Design

Policy EQ4 - Biodiversity

Policy EQ5 - Corridors, Networks and Features of Distinctiveness

Policy EQ7 - Caeau Mynydd Mawr SPG Area

Policy EP3 - Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

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

[Caeau Mynydd Mawr Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Llandybie Community Council - no observations to make

Local Member - Cllr D Thomas has not commented to date

Natural Resources Wales - has not commented to date

Sustainable Drainage Approval Body - a SAB approval will be required

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

Summary of Public Representations

The application has been publicised by the display of site notices. Five objections have been received as a result raising the following concerns

- waste of tax payers money
- landownership queries
- use of a narrow entrance onto a private lane in constant use

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

Appraisal

Principle of Development

Any planning decision has to be 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 Carmarthenshire Local Development Plan sets out in its Strategic Policies, namely SP1, SP2 and SP9 that proposals will be supported where they reflect sustainable development principles i.e. promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and minimising the need to travel, particularly by private motor car by enhancing alternatives to the motor car, such as active transport through cycling and walking.

Biodiversity

A Preliminary Ecological Appraisal has been undertaken in support of the application. No protected or other significant nature conservation sites are located within or in close proximity to the shared-path route. However, the proposed path is located within approximately 2km of land parcels that comprise the Mynydd Mawr Special Area of Conservation, a site of European significance established principally to maintain the local population of the Marsh Fritillary butterfly. In pursuance of the objectives of this SAC, Carmarthenshire County Council has issued Supplementary Planning Guidance designed to protect and conserve the butterfly: the shared-path route is located within the area to which this guidance applies.

Although it is planned to construct the shared-use path route on land was opencasted in the past, the habitats that have developed since its restoration have attained a moderate degree of ecological interest, although they are not as diverse as comparable undisturbed habitats. The path will necessitate the removal of only a narrow strip of habitat, generally not exceeding 3m wide, mainly including secondary woodland, scrub, bramble and damp grassland, but may result in a very small reduction in potential nesting or refuge sites and foraging opportunities for a range of faunal species including several that are protected or have nature conservation designations. In particular, it is accepted that Dormouse, a European Protected Species (EPS), is likely to occur in these habitats and therefore it will be necessary to procure a licence from Natural Resources Wales prior to the clearance of the route of the path at the construction stage. Such a licence will require sensitive clearance of vegetation to accepted protocols as well as the proposal and implementation of a habitat compensation strategy which will include the provision of twice the area of compensatory Dormouse habitat as compared with the area of habitat that will be removed.

Construction of the shared-use path will have minimal impact on vegetation types or plant species of significance. However, it is recommended that the two plants of Whorled Caraway (a plant listed as Globally Threatened by CCW) and the population of Flea Sedge, (a species of at least local interest), which grow along the route of the path, are translocated to a nearby site that will remain undisturbed.

There is a slight, but very unlikely possibility that bats (European Protected Species (EPS) could be disturbed at the construction stage of the path but it is judged that other EPS, including those known to occur in the area, ie Otter, and also the Marsh Fritillary butterfly which is listed at annex II of the EC Habitats Directive, will not be impacted by the scheme.

Few signs of Badger were noted during any of the Phase 1 Habitat survey visits or the Protected Mammals habitat assessment. No setts or well-used paths that might indicate a sett in the vicinity were found. Badger use of the area is light: it is considered that this species will not pose a constraint to the scheme.

Other nationally protected or significant species that are known to occur in the area include breeding birds, reptiles, amphibians, Hedgehog, Brown Hare and various invertebrates. With the exception of Brown Hare, there is potential for any or all of them to be impacted by the scheme. However, provided vegetation clearance is undertaken in mid September to October, and/or detailed finger-tip searches are carried out when vegetation that may have potential to conceal animals is disturbed, it will be possible to proceed with the construction of the shared-path without undue hindrance.

Two stands of Japanese Knotweed are located at the western end of the route and a Knotweed Management Plan may be required to ensure that construction works do not result in the spread of this species. No other significant Invasive Non-Native Plant Species were observed although one bush each of two species of invasive Cotoneaster were recorded but are located away from the route of the path and will not be disturbed. Himalayan Balsam occurs in the area but none was observed during the Phase 1 habitat survey.

The Planning Ecologist has reviewed the Preliminary Ecological Survey together with the Protected Species Survey, Tree Report and Habitat Mitigation and Enhancement Plan and is satisfied with the level of assessment made, the findings of the submitted assessments, and the ecological recommendations provided within the aforementioned documents. It is

considered that the recommendations meet the LDP policy objectives set out in Policies SP1, SP14, EQ4, EQ5 and GP1. However, conditions are recommended to be attached to any grant of planning permission.

Other matters

Surface water drainage will be controlled via the requirement to obtain a SAB consent. The grounds of objection put forward by the respondents are not considered to be material planning considerations. The land ownership issue is something the applicant is discussing with the landowner. The scheme can only be implemented with the landowners consent.

Planning Obligations

Part of the proposed development falls within the Caeau Mynydd Mawr Supplementary Planning Guidance Area. Therefore, a contribution of £7,331 is required in accordance with the SPG requirements.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

The proposal seeks to promote active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and minimising the need to travel, particularly by private motor car by enhancing alternatives to the motor car, such as active transport through cycling and walking. This complies with policies SP1, SP2 and SP9 of the LDP. Adequate consideration has been given to biodiversity impacts and the Planning Ecologist has confirmed that the proposal complies with policies SP1, SP14, EQ4, EQ5 and GP1 in respect of biodiversity. There are no amenity concerns and highway safety is not impacted given that the route is not to be used by motor vehicles.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

Reason:

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

Condition 2

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

- Protected Species Survey dated 17th March 2023
received 20 March 2023
- Tree Report (PC23-20) dated 3rd May 2023
received 15 May 2023
- Scheme Plan (DE-02 Revision C)
received 19 May 2023
- Preliminary Ecological Appraisal Revision 4 dated 1st August 2023
received 1 August 2023
- Habitat Mitigation and Enhancement Plan
- Typical Cross Section
received 30 August 2023

Reason:

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

Condition 3

No development or site clearance shall take place 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 used in construction; details of how any waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage site set-up plan detailing how sensitive receptors will be protected from harm e.g. fencing, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain. This should reference the Tree Report by Tree Consultancy Wales dated 3rd May 2023)
- Biodiversity Management during construction: details of habitat retention and protection; invasive species management; species and habitat protection, avoidance, mitigation and enhancement measures (as detailed with the Preliminary Ecological Appraisal - Pryce Consultant Ecologists - 1st August 2023). Including dormice, badgers, reptiles, whorled caraway and flea sedge.
- 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 work.
- Resource Management: details of fuel and chemical site storage and containment; details of waste generation and its management; details of the consumption of water and wastewater.
- 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 set out in the CEMP and emergency contact details. For example, contract manager, site manager, contractors, visitors, site environmental advisor, landscape clerk and ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason:

To prevent the pollution of the environment and protect ecological features during construction in accordance with Policy SP1, SP14, GP1 of the LDP

Condition 4

No development or site 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 provide the location, extents, and specification information sufficient to fully define all existing landscape and ecological elements retained or translocated; and new elements installed, constructed, planted, seeded or translocated.

The scheme shall specifically deliver the following:

- i) Habitat Mitigation and Enhancement Plan
- ii) Preliminary Ecological Appraisal - Pryce Consultant Ecologists - 1st August 2023
- iii) Protected Species Survey - Pryce Consultant Ecologists - 17th March 2023
- iv) Tree Report - Tree Consultancy Wales dated - 3rd May 2023

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 5

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) required under condition 4 of this permission. 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.

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, SP9, SP14, GP1, EQ4, EQ5 EQ7 and EP3 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed shared use path would accord with sustainable transportation objectives and have an acceptable scale and design and would not have an adverse impact on the character and appearance of the site or area within which it is located. In addition, there are no adverse effects to residential amenity, biodiversity 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

Warning: A European protected species (EPS) licence is required for this development.

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

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

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

Note 5

This permission is subject to a financial contribution of £7,331 being made under the requirements of the Caeau Mynydd Mawr SPG.

Application No	PL/05130
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Application Type	Outline planning consent - all matters reserved
Proposal	Demolition of existing dwellinghouse and Siting of 4no. Detached dwellinghouses
Location	22 Ar Y Bryn, Pembrey, Llanelli, SA16 0AX

Applicant(s)	Mrs S. Kent, Mrs M. Ridler, Mrs C. Nock and Mr D. James
Agent	Richard BanksEvans Banks Planning Limited
Officer	Paul Roberts
Ward	Pembrey
Date of validation	19/12/2022

Reason for Committee

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

Site

The application site consists of the curtilage of a large detached dwelling at 22 Ar y Bryn in Pembrey, Llanelli. It measures approximately 0.4 ha in area and is located on the outskirts of Pembrey on the eastern flank of Mountain Road. It is accessed via the Ar y Bryn estate road which runs contiguous with its eastern boundary. The property consists of a large two storey brick-built house that is currently vacant and set in a large curtilage that is bounded by trees and hedgerows. The house is set in the northern half of the site and orientated in a northerly towards its access off the Ar y Bryn estate road. The levels of the site fall significantly in a southerly direction with the main garden area of the property being located below the level of the house. There are a number of mature and semi-mature trees within and bordering the site while the garden area to the south of the house is traversed by a number of hedgerows and contains a former orchard of apple trees.

The site is bordered on three sides by existing roadways and is located in a residential area with the adjacent Ar y Bryn estate consisting of a mix of semi-detached and detached properties. A large detached dwelling is currently under construction on the land to the east

of the site while the derelict remains of Court Farm are located to the west on the opposite side of Mountain Road. The elevated position of the site along Mountain Road means that it benefits from panoramic views of the coastline to the south.

Proposal

The application seeks outline permission for the demolition of the existing dwelling and its replacement with the siting of four detached dwellings. All detailed matters relating to the proposal have been reserved for future consideration whereby the application is seeking to establish the principle of developing four new dwellings on the site.

The application has been accompanied by an indicative layout of the development which shows the siting of three detached dwellings in the northern part of the site on or close to the footprint of the existing house. They are orientated in a northerly direction towards the existing access that will serve the new properties and be widened to 4.1 metres in width to form a shared driveway and include a pedestrian footway from the site entrance. They will all be served by generous garden areas to the rear. The fourth dwelling is located in the southern rear garden of the existing house being set at a lower level than the three dwellings to the north and orientated in an easterly direction towards the Ar y Bryn estate road. It is accessed via a new entrance onto the estate road that will be located close to its junction with Mountain Road. The scale parameters provided with the application show the new dwellings having a width and depth of between 9.5 and 11 metres and 9.5 and 12 metres respectively, and a ridge height of between 9 and 9.5 metres.

The application has been accompanied by a tree survey report which presents the findings of a survey of the existing trees within the site and an assessment of the impact of the development upon the same. Notably, it identifies two category A trees consisting of an oak and spruce located in the northern periphery of the site that are deemed to be high-quality trees and worthy of retention, and a further seven category B trees primarily located along the eastern and northern boundaries of the site which, whilst being of a lower quality, are considered to make a valuable contribution to the amenity of the site. The remaining trees and hedgerows within the site are deemed to be of a lower category C quality which include the orchard of apple trees and hedgerows that traverse the garden area.

The tree survey report includes a tree retention/protection plan which shows all the Category A and B trees being retained as part of the development of the four new dwellings. The hedgerows bordering the site are also retained save for those areas that will need to be removed to create the new access to the southernmost dwelling. The report also includes details of a series of mitigative protection measures to be implemented as part of the development to safeguard the existing trees during the development of the site.

The application has also been accompanied by a bat survey of the existing house which confirms the presence of roosting bats and recommends a suite of mitigation measures as part of the detailed design of the development to mitigate for the demolition of the house and the loss of the bat roost.

Planning Site History

There is no relevant planning history.

Planning Policy

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

SP1 Sustainable Places and Spaces
SP3 Sustainable Distribution - Settlement Framework
SP5 Housing
GP1 Sustainability and High Quality Design
GP2 Development Limits
GP3 Planning Obligations
H2 Housing within Development Limits
AH1 Affordable Housing
TR3 Highways in Developments – Design Considerations
EQ4 Biodiversity EP1 Water Quality and Resources
EQ5 Corridors, networks and features of distinctiveness.
EP3 Sustainable Drainage

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

Summary of Consultation Responses

Head of Transportation & Highways – Has no objection.

Natural Resources Wales – No objection.

Pembrey and Burry Port Town Council – Have not commented on the application to date.

Local Members - County Councillor Hugh Shepardson has objected to the application on the basis that it will overdevelop the site while also raising concerns regarding the adequacy of the sewerage system to accommodate the development.

County Councillor Michael Thomas is a member of the Planning Committee and has raised the following concerns regarding the development :

- The proposal will be unsustainable in that it will result in the demolition of an existing dwelling that is sound in structure and result in a large amount of waste rubble.
- Overdevelopment of the site.
- Ongoing drainage and sewerage problems in the area.
- Possible asbestos within the site.

Dwr Cymru/Welsh Water – Have raised no objection.

Sustainable Drainage Approval Body (SAB) – Have confirmed that the surface water drainage scheme proposed to serve the development will require separate SAB approval.

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

Summary of Public Representations

The application has been publicised with the posting of a site notice within the vicinity of the site. In response, 6 letters of objection have been received from neighbouring residents which raise the following issues of concern.

- Ar y Bryn is a narrow private road with no access rights for new developments.
- Poor condition of the Ar y Bryn estate road that will not be able to withstand the rigours of such a development.
- Overdevelopment of the site and the demolition of a structurally sound house that does not require demolition would be unsustainable and generate unnecessary waste.
- Inadequate surface and foul water drainage in the area and likely flooding issues.
- Construction traffic would affect the ability of emergency vehicles and residents to access their properties.
- Increased traffic

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

Appraisal

Principle of the development and Ecology

The site is located within the development limits of Pembrey which is identified as a Service Centre in the LDP's Settlement Framework in recognition of its sustainable location and wide range of services and facilities. Policies H2 and GP2 of the Plan support proposals for new housing developments within the defined development limits of settlements subject to compliance with the principles of the Plan's strategy and its policies and proposals.

Although the proposal will involve the demolition and replacement of a single property with 4 new detached dwellings, the three new dwellings in the northern part of the site will together occupy a footprint that will not be dissimilar in size to the existing house. The site is sufficiently large to accommodate these new dwellings together with that proposed in the southern part of the site without overdeveloping the site or resulting in an unduly cramped form of development that would be discordant with the surrounding pattern of development and be harmful to its appearance in the surrounding area. Adequate provision is made for a suitable access and off-road parking for each of the four dwellings together with generous private amenity areas in their surrounds. The general arrangement of the development will ensure adequate separating distances between each dwelling and in particular the dwelling in the southern part of the site whereby the privacy and living conditions of its occupiers will not be unduly compromised by the three dwellings to the north.

A common ground of concern amongst respondents is that the proposal would run counter to the principles of sustainability in demolishing an existing house that is sound in structure and the waste associated with the same. As indicated above, the LDP supports proposals for new housing developments within the development limits of settlements subject to compliance with its strategy and policies and proposals. The existing house is of no historic or architectural significance and there is no planning policy requirement to demonstrate that it is structurally unsound or no longer provides suitable residential accommodation. It is acknowledged that the development will result in the generation of demolition waste with the removal of the existing house, nonetheless, this would not be a sound policy basis upon which to withhold permission. Further, the benefits of the development in providing four new

modest sized houses that will represent a far more efficient use of the site than the existing single dwelling and help sustain and support the existing services and facilities in Pembrey outweigh the sustainability impacts of demolishing the existing house. The proposal will also accrue benefits to the wider area by providing a financial contribution towards the provision of affordable housing.

The existing category A and B trees within the site that are of the highest amenity value will be retained and protected as part of the development, as will the majority of the perimeter hedgerows. Whilst there will be some loss of hedgerow on the southern boundary of the site in creating the new access and associated visibility splays, this could be mitigated through the provision of compensatory planting as part of the detailed design of the development. The Council's arboricultural officer has raised concern that the dwelling proposed in the southern part of the site will lead to pressure to remove the existing trees bordering the eastern boundary of the site that will enclose its front curtilage. Nevertheless, the indicative details submitted with the application show that the front of the dwelling could be sited approximately 6 metres from the canopy of the larger of these trees which, combined with their position to the east of the dwelling, will not result in excessive shading of the dwelling or its garden area. Officers are therefore satisfied that the proposal will not threaten the long term future of these trees.

NRW have confirmed their acceptance of the bat mitigation measures proposed as part of the demolition of the existing house, details of which will be secured as part of the submission of any subsequent reserved matters application. The Council's Planning Ecologist has requested a further survey of the existing trees and hedgerows in the wider curtilage of the existing house given their bat habitat and connectivity potential and officers are currently awaiting its submission for the applicant. The recommendation to grant planning permission is therefore subject to the receipt and acceptance of the findings of this survey to ensure the development does not unacceptably harm the conservation status of the bats within the site.

The proposal is therefore in accord with the objectives of policies H2, GP1 and EQ5 of the LDP in that the principle of the development of four dwellings in the site is considered to be acceptable and it will not result in unacceptable ecological impacts or the loss of existing trees or hedgerows that contribute to the character and appearance of the area.

Highway and amenity impacts

The Head of Transport has raised no objection to the proposal and is satisfied that the existing road network serving the site is adequate to serve the four proposed dwellings and that a suitable access can be provided without resulting in any unacceptable highway impacts. Further, it is noteworthy that one of the conditions recommended by the Head of Transport will improve the level of visibility in a northerly direction along Mountain Road at its junction with Ar y Bryn thereby providing betterment for the existing residents of Ar y Bryn as well as the occupiers of the development.

A common ground of concern amongst respondents is that the Ar y Bryn estate road leading to the site is in private ownership and that the applicant is not permitted to use it to access the development. Reference is also made to its current poor condition and that it will not be able to withstand the traffic from the development. Issues relating to the ownership of the road and whether the applicant is permitted to use it for the purposes of the development are outside the scope of planning control and would be a private civil matter between the

applicant and the owner(s) of the road. Similarly, concerns regarding potential damage to the private road are not material in the consideration of the application.

Although the development will result in potential amenity impacts during the construction phase of the development such as construction traffic and noise, their effects would be temporary in duration. Moreover, the imposition of a suitable condition requiring the submission and approval of a construction method statement securing the implementation of suitable mitigation measures as part of the construction works will assist in minimising any short-term impacts.

The proposal therefore complies with Policies GP1 and TR3 of the LDP in that it will not result in any unacceptable highway safety or residential amenity impacts.

Drainage

As to the respondents concerns regarding the surface water drainage impacts of the development, the detailed design of the surface water scheme will be assessed as part of a separate SAB application and the applicant will not be permitted to commence the development until the scheme has been assessed and approved by the Council's SAB team. This will safeguard against any unacceptable flooding and associated amenity impacts.

In terms of foul drainage, the foul flows from the development will discharge to the public sewerage system and Welsh Water have confirmed their acceptance of the proposal and raised no concerns from a capacity or sewage treatment perspective.

The proposal is therefore in accord with the objectives of policies GP1, EP2 and EP3 of the LDP in that it will be drained in an acceptable manner.

Planning Obligations

Affordable Housing

The development will provide a financial contribution towards affordable housing provision in the area in accordance with Policy AH1 of the LDP. This will be secured via a Section 106 agreement.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

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

Furthermore, the relevant statutory consultees have confirmed their acceptance of the development in raising no sustained ecology, highway, utility provision or amenity objections to the application.

For these reasons, the application is put forward with a favourable recommendation subject to the Planning Ecologist's acceptance of the findings of the bat survey of the trees and hedgerows within the site, the completion of the Section 106 agreement and the imposition of the following conditions :

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

Any application for approval of the reserved matters shall be made to the local planning authority not later than three 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 begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

Condition 3

Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason:

In the interests of visual amenity.

Condition 4

The permission relates to the land defined in the 1:1250 scale location plan received on 1 December 2022 and the scale parameters of the proposed dwellings shown in the site layout plan drawing referenced GA-01 Rev B received on 22 May 2023

Reason:

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

Condition 5

Prior to the occupation of the development, a visibility splay of 2.4 metres x 43.0 metres shall be formed and thereafter retained in perpetuity to the north of the centre line of the Mountain Road / Ar-Y-Bryn junction 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.

Condition 6

Prior to the commencement of development, the written approval of the Local Planning Authority shall be obtained for a scheme of parking 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.

Reason:

In the interest of highway safety.

Condition 7

No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The details shall be submitted in pursuance of any reserved matters application and the development shall be completed in accordance with the approved details.

Reason:

In the interests of visual amenity and to safeguard the living conditions of the occupiers of nearby residential properties.

Condition 8

No development shall commence until details indicating the positions, height, design, materials and type of boundary treatment to be erected have been submitted to and approved by the local planning authority. The details shall be submitted in pursuance of any reserved matters application and the development shall be completed in accordance with the approved details prior to the occupation of the dwelling and retained for the lifetime of the development.

Reason:

In the interests of visual amenity and to safeguard the living conditions of adjacent occupiers.

Condition 9

No development shall commence until a scheme of biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and prior to the occupation of the dwelling. Thereafter, the enhancements shall be retained as approved in perpetuity.

Reason:

In the interests of biodiversity.

Condition 10

No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason:

To ensure that any instability arising from coal mining legacy is addressed in an acceptable manner.

Condition 11

No development shall commence until a scheme of bat mitigation and compensation measures based upon the recommendations contained in the Bat Survey Report referenced IG202222 Ar-y-Bryn received on 1 December 2022 has been submitted to and approved in writing by the local planning authority. The scheme shall be submitted in pursuance of any reserved matters application and the development shall be implemented in accordance with the approved details.

Reason:

To safeguard against any unacceptable ecological impacts and ensure there is no detriment to the maintenance of the favourable conservation status of Bat species.

Condition 12

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

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

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

- i) Tree survey and Categorisation Report for all trees, groups of trees and other landscape elements subject to potential impacts within the RPAs.
- ii) Arboricultural Impact Assessment (AIA) which identifies the impacts of the proposed development on all trees, groups of trees and other landscape elements. The AIA shall clearly indicate which are to be retained; which are subject to potential impacts; and which are to be removed. The AIA shall provide appropriate mitigation proposals for all trees, groups of trees and other landscape elements which are to be removed.
- iii) Arboricultural Method Statement (AMS) which provides methodology for the implementation of any aspect of the development that is within the RPA of all trees, groups of trees and other landscape elements identified for retention within the AIA.
- iv) Tree Protection Plan (TPP) which provides details of all protective measures, operations and construction exclusion zones for all trees, groups of trees and other landscape elements to be retained.

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

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

Reason:

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

Condition 13

No development shall commence until a detailed Landscape Design Scheme (LDS) has been submitted to and approved in writing by the Local Planning Authority. The LDS shall be submitted in pursuance of any reserved matters application and the approved scheme shall be fully implemented in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is the sooner.

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

Reason:

In the interests of visual amenities and biodiversity.

Notes / Informatives

Note 1

Please note that this consent is specific to the plans and particulars approved as part of the application.

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

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

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

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

Note 2

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

Note 3

The applicant is advised that this planning permission is subject to a Unilateral Undertaking requiring the payment of a commuted payment towards the provision of affordable housing in the local area.

Note 4

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

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

been approved by the SAB. The Sustainable Drainage Scheme must be nature based and features should contribute to ecology, landscape and deliver Net Benefit for Biodiversity.

Note 5

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales / Apply for a protected species licence.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/development to go ahead.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Application No	PL/05546
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Application Type	Full planning permission
Proposal	Residential Development (9 Bungalows)
Location	Land opposite the Plough and Harrow, Betws, Ammanford, SA18 2HE

Applicant(s)	Perkins & Williams - Gwyr Developments Ltd
Agent	Mr Ceri Davies - Ceri Davies Planning Ltd
Officer	Andrew Francis
Ward	Betws
Date of validation	08/03/2023

Reason for Committee

The application is being reported to Planning Committee following the receipt of three or more letters of objection.

Site

The application site consists of an irregular shaped parcel of land including and beyond the former car park of the Plough and Harrow, accessed off the western flank of Betws Road, Betws. The Plough and Harrow public house is situated on the opposite side of the road.

The site measures 0.45 Ha in area and is relatively flat, sloping gently from the road. Beyond the gravel car park area at the front of the site, which provides the access to the larger almost square area to the rear, is the field that provides the main development area proposed.

Currently the site is used for grazing with a tree lined boundary. Along the northern boundary is the Nant y Ffin watercourse that flows into the River Amman approximately 150 metres to the west. Beyond the site to the west are further fields.

Further to the north is the Parc Bwtrimawr housing site; a fairly modern site of approximately 60 mixed dwellings.

To the south are two older residential dwellings directly adjacent, with the dwellings thereafter following a terrace of traditional older properties.

The main part of the site has a typical width of approximately 63 metres and a typical depth of approximately 66 metres, with the access adding a further 30 metres onto the depth of the site. The site is currently situated within the development limits for Betws, as defined in the Carmarthenshire Local Development Plan 2014.

Proposal

The application seeks full planning permission for the development of 9 detached bungalow dwellings on the above described site. The dwellings are proposed to be sited around a central spine road as a cul-de-sac, with three plots either side and three plots at the end of the road.

Two different house types are proposed, with House Type 1 making up six of the proposed units and House Type 2 making up the remaining three. House Type 1 proposes three bedrooms, (one en-suite), a family bathroom, an open plan living room/kitchen/dining area, utility room, hallway and an integral garage. This dwelling type measures 12 metres in width by 13.3 metres in depth. These dwellings feature a small gable projection feature which contributes 2 metres to the depth of the dwellings and a small, covered porch area over the front door and make each dwelling a stubby 'L' shape. These dwellings are proposed on plots 1,2,3,7,8, and 9 – the dwellings proposed each side of the spine road.

House Type 2 proposes three bedrooms, (one en-suite), a family bathroom, an open plan living room/kitchen/dining area, utility room, store room, hallway and an integral garage. This house type is slightly larger than House Type 1, measuring 13.6 metres in width with a maximum depth of 13.7 metres. This house type has two gable projections, with the main one, accommodating the garage opening and porch covering the front door access being more prominent than the other situated on the opposite side of the dwelling. These dwellings are proposed on plots 4,5 and 6 – the dwellings proposed at the end of the cul-de-sac.

For both house types the materials and external finishes are proposed to be the same, with a Staffordshire Blue brick plinth, white rendered walls, a feature stone wall on the front gable projection of grey Forticrete Shearstone and grey concrete roof tiles. The windows, doors, fascia's and rainwater goods are to be black uPVC. The plans also show that the roof is to accommodate 4 solar panels on south facing elevations.

Each dwelling is to provide amenity space front, sides and rear, though typically, the majority will be to the rear of each dwelling. Plots 7-9 achieve a 10 metre rear garden area, whilst plots 1-3 have a slightly smaller rear garden at approximately 8 metres. Plots 4-6 at the end of the site road provide more in the way of side garden space, with plot 6 having a majority side garden, compensating for the shallower rear gardens of approximately 6 metres at minimum. It should be noted that the gardens of plots 6-9 are located in the 7 metre riparian buffer zone for the Nant – y Ffin and as such, will be restricted in what can be placed in them, should this permission be granted.

Surface water is to be managed by a surface water drainage system, including two individual surface water attenuation systems within each plot. This is to be ultimately subject to a separate SAB application, although the Authority's Surface Water Advisory Body (SAB)

Team and Natural Resources Wales have no objections to the proposal. The site is also to be connected to the existing foul water system.

Planning Site History

P6/10589/84 - Residential Development - Refused - 22.11.1984

P6/15842/89 - Residential Development - Refused - 10.10.1989

P6/16618/89 - Residential Development - Refused - 22.02.1990

Am/02937 - Residential Development - Outline Granted - 13/3/2003

E/13371 - Proposed Residential Development Of 5 No Detached Houses With Private Driveway - Withdrawn - 30/6/2006

E/18283 - Outline Planning Application For Residential Development - Withdrawn - 27/3/2008

Planning Policy

In the context of the Authority's current Development Plan the site is located within the Development Limits of Betws and is allocated for residential use in the adopted Local Development Plan (LDP) under reference GA3/H14 for 9 dwellings. Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP3 Sustainable Distribution- Settlement Framework

SP5 Housing

SP6 Affordable Housing

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

GP4 Infrastructure and New Development

H1 Housing Allocations

AH1 Affordable Housing

TR2 Location of Development- Transport Considerations

TR3 Highways in Developments- Design Considerations

EQ4 Biodiversity

EQ5 Corridors, Networks and Features of Distinctiveness

EP1 Water Quality and Resources

EP2 Pollution

EP3 Sustainable Drainage

REC2 Open Space Provision and New Developments

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transport – Has no objections, recommends the imposition of planning conditions.

Natural Resources Wales - Has no objections.

Dwr Cymru Welsh Water – Has no objections, recommends the imposition of planning conditions.

Sustainable Drainage Approval Body (SAB) – Offers no objections to the proposal, advises that the proposal requires SAB approval.

Betws Community Council – Objects to the proposal and is mindful of the number of objections received from members of the community, specifically flood risk, ecology, access visibility, increase in traffic in an already congested area near the Primary School. However, in the event the developer can satisfactorily resolve the issues, the Community Council would seek to secure S.106 funding to help fund projects for the village.

Local Member – County Councillor B Jones objects to the proposal for the following reasons:

- The site often floods and the development could affect existing houses on Betws Road and Parc Bwtrimawr.
- The entrance to the site would be on a bend, near a bus stop. Due to parked cars outside the terraced houses on Betws Road there would be restricted visibility.
- The land supports many flowers and wildlife and should not be built upon.

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

Summary of Public Representations

The application was advertised by means of a Site Notice. As a result, six letters of objection have been received.

The points of objection are summarised as follows:

- The site may impact the watercourse Nant y Ffin. It is known to flood often and when it does, the application site is the floodplain, holding a significant amount of water that would otherwise flood into the neighbouring dwellings, devastating lives. The risk increasing over the coming years due to the effects of climate change.
- The site is shown on Natural Resources Wales (NRW's) Flood Map for Planning (FMfP) as being in a 'Small Watercourse Flood Zone 3 area, a zone that Tan-15 describes as

“High Risk“ and states “As climate changes, this type of flooding will become more commonplace and more severe“.

- Any attempts to mitigate flooding risks to the proposed development will have detrimental effects on the homes located within the existing site at Parc Bwtrimawr, which again is against TAN15 guidance.
- The flood defence wall to Parc Bwtimawr is struggling with the force and volume of water and is being undermined. Without the floodplain, the increased pressure on the wall will result in structural failure.
- A previous application on this site in 2008 was withdrawn before it was rejected based on flooding and highway concerns. The development still carries both of these risks and should not be considered for residential development.
- The field supports the presence of Red Kites and Dormice as well as supporting otters in the stream.
- There is a bus stop by the entrance that's used by the many children and OAPs in the area and has limited view of the traffic that passes and is on a blind bend in the road. It is impossible to see when a bus has stopped to let passengers on and off. A speed ramp has been installed near the school to slow traffic down which has worked to a point, but traffic still travels too fast along this stretch.
- The land is an improved agricultural field, used to graze cows and sheep. Why build on the green site and spoil the area?
- The majority of the site is not included within the Second Deposit of the Revised Local Development Plan as it states there are concerns regarding the deliverability of the site. Sufficient opportunities for residential development exist elsewhere within the settlement.
- There is a discrepancy with the consultation dates – it is shown as starting on 09/03/23 but the Site Notice wasn't erected until 17/03/23. Immediate neighbours also have not received a consultation letter. This does not give enough time for residents to fully consider the application.
- The noise and disturbance from the development will impact neighbouring properties. The construction and delivery vehicles will affect the road even more and even further affect visibility
- The proposal will reduce privacy for the occupiers of the existing dwellings in close proximity.

In addition to the above points, the following non material concerns were also raised:

- Why has permission has been given to build 9 bungalows on this land as the objector has not been informed or seen any plans for the site. The objector has previously objected 3 times due to the safety aspect and access to the site.

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

Appraisal

The application site is allocated for residential development within the currently adopted Carmarthenshire Local Development Plan (2014) under reference GA3/H14 for 9 dwellings, which is the number of dwellings proposed as part of this application. This Plan has been adopted by the Authority and by association, its Members, to set out how the County and its settlements should be developed, with preference given to allocated housing sites. New housing needs to be developed throughout the County and the Plan provides carefully studied and reasoned information highlighting sites which are preferable. This is one of those sites.

In saying that, the site has constraints that have become more acute since the Plan was adopted in 2014. This is with particular reference to ecological matters, surface water drainage and potentially site viability. Further to these, the application has, through the consultation process, raised a number of objections. These shall be summarised and the proposal considered in turn below.

Flooding

- The site affects the Nant y Ffin watercourse, which frequently floods. When flooding occurs, the application site serves as a floodplain, preventing water from affecting nearby homes. The risk is increasing due to climate change.
- The site is in a Small Watercourse Flood Zone 3 area on NRW's Flood Map for Planning (FMfP), which is classified as "High Risk" according to TAN15. TAN15 also states that this type of flooding will become more frequent and severe due to climate change.
- Any attempts to mitigate flooding risks to the proposed development will have detrimental effects on the homes located within the existing site at Parc Bwtrimawr, which again is against TAN15 guidance.

With regard to the issue of flooding, as mentioned by many of the objectors, due to the site's proximity to the Nant-y- Ffin, the site is situated within Small Watercourse Flood Zone 3 zone, as defined by Flood Map for Planning (FMfP). This is the most up to date information and maps produced by NRW to aid with the assessment of flood risk.

NRW are responsible for assessing flooding from main rivers and the sea and offer guidance on sites that fall within Flood Zones 2 and 3. Small Watercourses fall under the responsibility of the Local Authority's Land Drainage Body for consideration, which is the SAB Body in this instance. As such, NRW have not offered any comments on the issue of flood risk and as such, do not object to this scheme. The Authority's SAB Team has also offered no objections to the scheme.

As Members will be aware, the development of any site should not impact upon the surface water regime of the area any more than it would as a green field. Whilst the site is proposed to be developed with a myriad of hard surfaces, the SAB application requires that the site's surface water output is attenuated and does not increase beyond the level it would be currently.

As part of the original submission, the SAB Team requested the submission of a Flood Consequences Assessment (FCA) to consider the issue of small watercourse flooding. However, upon submission of the FCA by the Agent of the Applicant's, the SAB Team have consistently failed to respond to consultation requests. The only assumption that can be made is that if the issue of flood risk was harmful or dangerous, the Authority's SAB Team would have responded swiftly. The fact that they have not means that they have no objection to the proposal.

Highway Safety

- There is a bus stop by the entrance that's used by the many children and OAPs and has limited view of the traffic that passes and is on a blind bend in the road. It is impossible to see when a bus has stopped to let passengers on and off.
- A speed ramp has been installed near the school, which has worked up to a point, but traffic still travels too fast along this stretch of road.

The application has been considered in detail by the Authority's Head of Transport who offers no objections to the proposal. Instead, conditions are recommended which, if followed, should ensure that highway safety is maintained for all users, including those of the site and in general. As such, it is considered that this point of objection cannot be sustained.

Ecology

- The field supports the presence of Red Kites and Dormice as well as supporting otters in the stream.
- The land is an improved agricultural field, used to graze cows and sheep. Sufficient opportunities for residential development exist elsewhere within the settlement without the need to use green land.

With regard to Ecology, the principle of the use of the site for development has been accepted by its inclusion as a housing allocation within the Local Development Plan. Amended plans have been received that include a proposed Landscaping Plan and Biodiversity Enhancement Scheme. These have sought to address initial concerns relating to the proximity of the site to the riparian corridor of the Nant - y Ffin; a 7 metre no development zone along the bank of the river, and proximity of Plot 4 to the Root Protection Zone (RPZ) of the existing large tree on the south west corner of the site. Based on the amended plans, the authority's Planning Ecologist has withdrawn their original objections to the scheme and has instead recommended the imposition of conditions to safeguard the watercourse and boundary features.

Other Points

The majority of the site is not included within the Second Deposit of the Revised Local Development Plan as it states there are concerns regarding the deliverability of the site. Sufficient opportunities for residential development exist elsewhere within the settlement.

This refers to the upcoming Carmarthenshire Local Development Plan 2018-2033 or LDP2, which has yet to be submitted to and assessed by a Welsh Government appointed Inspector. As such, it is some way off potential adoption and therefore any use of the plans and policies contained within this document is currently premature and holds no weight. Whilst it is the consideration of the Authority that the land should be removed from the next Local Plan, at this point in time, the land is allocated as a housing allocation and must be considered as such. There may be many such sites where they are now allocated or are within development limits, but which are to be taken outside of development limits in the next Local Plan. It would be in the land owner's best interests to submit applications to seek planning permission whilst the land still has policy support. This is one such case.

- A previous application on this site in 2008 was withdrawn before it was rejected based on flooding and highway concerns. The development still carries both of these risks and should not be considered for residential development.

As Members will be aware, each application must be considered on its individual merits. Previous applications will have been for significantly different schemes and occurred under a different policy background. As such, the fact a previous application was withdrawn, with the reasons speculated, have no material bearing on this current application.

- The proposal will reduce privacy for the occupiers of the existing dwellings in close proximity.

With regard to this point, there are seven dwellings that would appear to be adjacent to the application site. It should also be noted that three of these are situated on the Parc Bwtrimawr housing site with a spatial arrangement similar to that proposed for the application site. All of the dwellings are situated within the village and are adjacent to other residential dwellings and to the application site, which is allocated for housing within the LDP. Furthermore, the northern site boundary with the Nant y Ffin and Parc Bwtrimawr is bounded by trees which are to remain, offering a natural feature to improve privacy. Trees are also present on the southern boundary and a 2 metre fence is also proposed. As the properties are bungalows, it is considered that such features are acceptable in safeguarding amenity and privacy concerns.

- The noise and disturbance from the development will impact neighbouring properties.

This point of objection refers more to the noise and disturbance during the construction of the development compared to its potential for noise and disturbance once potentially built. As Members will be aware, all developments will cause some levels of disturbance which is unavoidable and temporary. However, this is not what is under consideration when determining a planning application. The issue of noise and disturbance should be based on the site once built, as that is what is under consideration. This is not an issue the objector's appear to raise.

Planning Obligations

The Council has adopted Supplementary Planning Guidance (SPG) in relation to Planning Obligations. The SPG requires financial contributions towards a variety of essential facilities and services, in this instance contributions are sought are an affordable housing fund contribution of £180035. It should be noted that whilst the applicant's are reluctantly accepting this figure at this stage, they have raised issues with this sum and how it affects the site's viability.

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

In addition to the matters discussed above, the submitted proposal for nine bungalow dwellings presents a development that appears to comply with the basic requirements of the housing allocation of the site it is proposed on, with a simple site road serving the detached dwellings situated around it. Furthermore the design and external materials proposed for the dwellings is modern and acceptable in this context, appearing as an update to the bungalows built on the Parc Bwtrimawr site to the north. The issue of flooding has been

considered and no objection has been received. The issue remains the siting of parts of the development within the RPZ of the existing large tree to the south west of the site. The development at this proximity will result in undue pressure on the existing mature tree and will very likely result in its loss. Given the requirement to both mitigate and compensate for biodiversity, this is an issue which has, hitherto, unacceptably been mitigated and compensated, and is contrary to policies EQ4 and EQ5. However on balance, the provision of 9 new dwellings is considered to be an acceptable use of the site, with compensatory planting. As such, this application is recommended for approval.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

Reason:

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

Condition 2

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

- Swept Path Analysis and Entrance Detail [DR-0008]
- Proposed Landscaping - Biodiversity Enhancement Plan [DR-0006]
- Proposed Drainage Layout [DR-0005]
- Proposed Site Layout [DR-0004]
- Tree Survey - Arboricultural Association 8th September 2023

Received 11 September 2023

- Phasing Plan [DR-0007]

Received 26 April 2023

- Flood Risk Statement - Tulip Engineering Consultancy - 4th April 2023
- SuDs Compliance Statement - Tulip Engineering Consultancy - 4th April 2023

Received 10 April 2023

- Drainage Details Plan
- Road Drainage Plan
- Received 3 April 2023
- Existing Block Plan [DR-0002]
- Location Plan [DR-0001]
- Street View Plot 1 2 3 [DR-0013]
- Site Aerial View 1 [DR-0009]

- House Type 1 Plots 1 2 3 7 8 9 [DR-0018]
- House Type 2 Plots 4 5 6 [DR-0019
- Street View Plot 3, 4 and 5 [DR-0014]
- Street View Plots 7, 8 and 9 [DR-0016]
- Betws Site Entrance [DR-0008]
- Street View Top Left [DR-0012]
- Street View Top Right [DR-0011]
- Site Aerial View 2 [DR-0010]
- Topographical Survey [DR-0003]
- Street View Plots 5, 6 and 7 [DR-0015]
- Ecological Appraisal Report
- Site Sections [DR-0017]

Received 2 March 2023

Reason:

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

Condition 3

Prior to the commencement of any works associated with the development hereby approved, a Construction Exclusion Zone (CEZ) shall be established to protect all existing vegetation identified for retention. The CEZ shall be defined by a barrier of a specification appropriate to exclude the degree and proximity of all construction phase operations. The barrier shall form a continuous length, aligned as follows: -

- i) To the perimeter of root protection areas, defined in accordance with BS5837 of all trees, groups of trees or hedges located within, on, or with a canopy spread which overhangs the site boundary.
- ii) To 2m from the edge extent of above ground growth of all shrub masses, hedges and hedgerows located within or on the site boundary.

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

Reason:

To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5; and pursuant to section 197 (a) of the Town and Country Planning Act 1990.

Condition 4

No development or site clearance shall take place until appropriate and comprehensive landscape maintenance and management information has been submitted to and approved in writing by the Local Planning Authority. The information shall include the following:

- Landscape Maintenance and Management Responsibility Plan;

- Plans, specifications and schedules to cover establishment and long term proposals for landscape maintenance and management.

The scheme shall effectively integrate appropriate site specific landscape, ecological and biodiversity management and maintenance proposals; and shall be in compliance with relevant guidance as provided by the Local Planning Authority. All landscape maintenance and management shall be fully implemented as approved.

Reason:

To ensure that the development retains, incorporates and makes provision for the appropriate management of existing landscape features which contribute to local qualities and distinctiveness thus delivering the objectives of CLDP policies: - SP1 d) and i); GP1 a), f) and i); EQ5; and where appropriate EQ6

Condition 5

The approved Detailed Landscape Design Scheme, as defined in the following submitted documents - Proposed Landscaping - Biodiversity Enhancement Plan [DR-0006] - shall be fully implemented in the first planting season following the occupation of the development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

Reason:

To ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity: thus delivering the objectives of CLDP policies: - SP1 d) and i); GP1 a), f) and i); EQ5; and where appropriate EQ6

Condition 6

Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with Betws road.

Reason:

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

Condition 7

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

Reason:

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

Condition 8

Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 43.0 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. 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 and amenity and to accord with Policies GP 1 and TR 3 of the Carmarthenshire Local Development Plan 2014

Condition 9

The access, visibility splays, parking spaces 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, parking spaces or turning areas, are to be obstructed by non-motorised vehicles.

Reason:

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

Condition 10

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

Reason:

In the interest of highway safety and amenity and to accord with Policies GP 1 and TR 3 of the Carmarthenshire Local Development Plan 2014

Condition 11

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

Reason:

In the interest of highway safety and amenity and to accord with Policies GP 1 and TR 3 of the Carmarthenshire Local Development Plan 2014

Condition 12

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

Condition 13

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

Reason:

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

Condition 14

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 15

Construction or demolition works should only be undertaken between the following times, unless prior written consent is received from the Local Authority:

Monday to Friday – 7:30 – 18:00

Saturday – 08:00 – 14:00

No noise generating works shall be carried out on Sunday, bank or public holidays.

Reason:

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

Condition 16

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, E, F and Part 2, Class A, other than that hereby approved, shall be carried out without the written permission of the Local Planning Authority.

Reason:

To exert control over the future development of the site to ensure that the character and appearance is maintained and to protect the riparian corridor, to accord with policies GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

Condition 17

Prior to the commencement of any works associated with the development (including site vegetation clearance, demolition of existing structures, excavation, heavy machinery entering site or the on-site storage of materials) a Tree Protection Plan (TPP) shall be submitted and agreed in writing by the Local Planning Authority. The TPP shall be in compliance with the recommendations of BS5837, and provide details of protective

measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention. The approved Tree Protection Plan shall be fully implemented, prior to the commencement of any works associated with the development; and thereafter shall be maintained in its entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Reason:

To ensure that existing trees and landscape elements of suitable quality and condition are retained and effectively accommodated and protected as part of approved development in accordance policies SP1, SP14, GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

Condition 18

A 7 metre buffer zone measured from the top of the Nant y Ffin river bank along the northern part of the development site shall be provided and maintained in perpetuity in accordance with - Proposed Landscaping - Biodiversity Enhancement Plan [DR-0006]. The buffer zone shall be permanently fenced off prior to any works commencing and maintained as such thereafter in accordance with details first submitted to and approved in writing by the Local Planning Authority. The buffer zone shall remain undisturbed and free from any development and disturbance, including amenity space, footpaths or storage at all times.

Reason:

In the interests of biodiversity and to accord with Policies EP1, EQ4, EQ5 and SP14 of the Carmarthenshire Local Development Plan 2014.

Notes / Informatives

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

The proposed development complies with Policies SP1, SP3, SP5, SP14, SP17, GP1, GP2, GP3 H1, AH1, TR2, TR3, EP1, EP3, EQ4 and EQ5 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed 9 no dwellings are to be located within development limits and on land allocated within the LDP for residential development. It is considered by reason of the proposed siting, density, scale and design, the development would not have an unacceptable impact upon the character and appearance of the area nor upon the living conditions of the adjacent properties. Acceptable landscaping details have been provided which are the subject of suitable conditions securing their implementation. The proposal provides affordable housing contributions. Subject to the recommended conditions the proposal is acceptable having regard to highway safety and there are no adverse impacts in respect of biodiversity.

Note 1

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer)

should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

Note 2

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

Application No	PL/05766
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Application Type	Full planning permission
Proposal	5m tower extension to the existing installation. Relocation of 3 no. antennas and 2 no. dishes (detailed in application E/38278). Installation of 6 no. new antennas and 5 no. new ground-based cabinets. Installation of remote radio units, break out boxes, mast head amplifiers, GPS nodes and associated apparatus and ancillary works
Location	Land at Nant Y Bai Forest, Rhandirmwyn, Llandoverly, SA20 0PA

Applicant(s)	The Home Office
Agent	LMC Planning - Lisa Cosgrove
Officer	Kevin Phillips
Ward	Llandoverly
Date of validation	06/04/2023

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 is an existing green coloured 15 metres telecommunications mast with antennae, and two cabinets and generator with a surrounding 1.8 metres high mesh fencing, located along a forestry track within the coniferous forest, on a raised buff above the village of Rhandirmwyn, Llandoverly within the Tywi Valley Special Landscape Area. The site is on the upper southern slope of the bluff, known as Cnwch, at its highest point 320 metres above sea level and the track fronting the existing mast is approximately 290 metres above sea level. The site is accessed from a track that leads through the Nant y bai valley to the North of Cnwch, which is a former historical Leading mining site.

Proposal

The proposed development is the addition of a further 5 metres of telecommunications tower mast also with antennae onto the existing green coloured 15 m tower mast at the site. The existing 3 Emergency Services Network antennae are to be raised onto the 5 metres tower extension along with 3 number 60 cm diameter dishes, and the 6 number shared antennae are to be sited at the height of the existing 15 metre tower. The proposed works are required as part of the deployment of the Shared Rural Network for the four Mobile Network Operators(MNOS) that will see both public and private investment to extend the coverage of the mobile networks into areas not served, or only partially served, thereby levelling up connectivity across this rural area.

Planning Site History

E/38278 - Proposed Telecommunications Base Station As Part Of The Emergency Services Mobile Communications Programme - Telecom Approval Required - 07/03/2019

The above acquired permitted rights as the determination was made a day later than the permitted determination date.

Planning Policy

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

SP1 Sustainable Places and Spaces

SP13 Protection and Enhancement of the Built and Historic Environment

SP14 Protection and Enhancement of the Natural Environment

SP17 Infrastructure

Policy GP1 Sustainability and High Quality Design

Policy EQ6 Special Landscape Areas

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

Summary of Consultation Responses

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

Llanfair-ar-y-Bryn Community Council - No observations received to date.

Local Member(s) - Councillor H Davies has not commented to date on the application.

Civil Aviation Authority- No comments received.

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

- The addition of the extension to the existing telecommunications mast and antennae will significantly damage the quality of the Tywi Valley landscape.
- The site notice erected on a street pole along the highway has not been satisfactory mode of publicising the application.
- Residents in the village have acquired internet coverage by cables or satellite systems and therefore this proposal is now not required.
- The proposal will harm the local wildlife and habitats.
- The trees around the application site should be preserved to ensure screening and mitigation for the proposal.
- The proposed extension to the existing mast comes following the original prior Notification application being determined after the permitted 56-day period to determine application E-38278
- The application is not supported by photo montages to consider the extension to the existing mast.
- The noise from the proposed extension to the telecommunications mast will be harmful to resident's living conditions.

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

Appraisal

Principle of Development

The permitted 15 metre tower telecommunications mast at the site caters for the Emergency Services Mobile Communications Programme (ESMCP) which is a Home Office led programme responsible for replacing Airwave telecommunications network and aims to provide an integrated critical voice and broadband data communications service for the three Emergency Services(ES) to meet the public safety requirements for functionality, coverage, availability and security. Police, Fire and Health are all represented on the Programme at strategic and operational levels, including the relevant government departments and devolved bodies in Scotland and Wales. ESMCP is progressing in close collaboration with the 3ES, who provided the requirements for their future communications and will be responsible for transitioning on to the new service. Emergency Services Network (ESN) will be delivered across England, Scotland and Wales via a mix of existing and new greenfield mast sites. The radio coverage will be provided by EE who are delivering much of the core network by upgrading existing sites and building new sites. There are areas beyond the EE network which require coverage and these will fall within the EAS (Extended Area Services) project, and these sites will be rolled out by the Home Office. This application is one such site.

The site in this instance is required to provide emergency services coverage at the roads around and between Rhandirmwyn and Llandovery, as part of a wider network improvement, this application to extend the height of the telecommunications tower will cater for the abovementioned ESN and the proposed works are required as part of the deployment of the Shared Rural Network for the four Mobile Network Operators that will extend the coverage of the mobile networks into areas not served, or only partially served, thereby levelling up connectivity across this rural area.

Impact upon Character and Appearance of the Special Landscape Area

The application site is elevated above the village of Rhandirmwyn and has an existing green 15 metre tower telecommunications mast with a backdrop of a coniferous woodland, which are planned to be retained for at least a further 30 years. The application site is within the Tywi Valley Special Landscape area and therefore policy EQ6 of the LDP is relevant. The site is adjacent to an existing coniferous woodland, which assists in terms of screening the existing mast and the proposed extension to the mast, and views of the mast are able to be seen from a public perspective from a few sections of the C2163 road along the eastern side of the Tywi valley, public footpaths and from further afield across the valley from the C2157 road. From the elevated siting of the mast and the wooded nature of the landscape around the application site, it is considered that the prominence of the proposed development will not be as significant in the landscape and harmful to its quality.

The agent has submitted photomontage representations of the mast when in situ. The impact of the mast in this setting is the principal issue in the determination of the proposal and the Authority's Landscape Officer's comments are awaited to enable further consideration as to whether the mast will have a significant impact upon the quality of the landscape. Therefore, following significant discussions and correspondence between the applicant/agent and the Local Planning Authority, it will need to be determined whether the harm caused by the mast in the landscape will be so significant that it has greater weight than the need for the mast for the improved service for the emergency services and telecommunications coverage.

Other Matters

The LDP policies are broadly in line with advice provided in Planning Policy Wales: Technical Advice Note 19 (TAN19) 'Telecommunications' (August 2002). Technical Advice Note (Wales) 19 provides guidance to Welsh Authorities on dealing with applications for telecommunications and is a material consideration in determining planning applications. The guidance provides useful advice for local authorities with regards to the issue of constraints faced by operators over the location of equipment

'In some cases, local planning authorities may conclude that planning permission ought to be refused because of siting or appearance considerations. But they should first seek to understand the constraints the operator faces, whether due to the nature of the technology or the legal requirement to provide a service'.

Authorities are advised in TAN 19 to respond positively to proposals for telecommunications development and to understand the associated special problems and technical requirements faced by operators. That advice and the permitted development rights maintained to facilitate the establishment of networks apply even in locations usually subject to policies of restraint. Against this background of encouragement, TAN 19 also recognises the need, now with greater emphasis, to strike an appropriate balance between operational and environmental considerations.

The Stewart Group's report suggested a number of specific precautionary actions that have been accepted by the Welsh Government. The Report does not provide any basis for precautionary actions beyond those already proposed. In the Welsh Government's view, local planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on

minimum distances between new telecommunications development and existing development. Para 80 of TAN 19 states that the Stewart Report considered that the possibility of harm couldn't be ruled out with confidence and those gaps in knowledge are sufficient to justify a precautionary approach. The Report recommended a precautionary approach comprising a series of specific measures, which has been accepted by Welsh Government.

These include: -

- the emissions from the masts should meet the ICNIRP Guidelines for Public Exposure;
- in relation to the macrocell base stations the beams of greatest intensity should not fall on any part of a school ground or buildings without agreement from the school or parents.

In respect of the above two issues the proposal meets the ICNIRP Guidelines and a Declaration of Conformity with ICNIRP Public Exposure Guidelines was submitted with the application and the site is a remote location and there are not considered to be any health concerns for any local residents.

Response to Representations Received

The addition of the extension to the existing telecommunications mast and antennae will significantly damage the quality of the Tywi Valley landscape.

It is acknowledged that the proposal is in a sensitive location within the Tywi Valley Special Landscape area and the telecommunications mast will be visible from the public highway within the valley. However, it is considered that the addition of the tower extension to the existing mast, adjacent to the coniferous woodland, with only the upper sections being visible from the south-west to north-east along the highway, and the colour improvement to the mast to reduce its visual prominence; the proposal is considered to be the best proposal possible at this location that will not significantly harm the landscape quality in the locality.

The site notice erected on a street pole along the highway has not been satisfactory mode of publicising the application.

The application has been publicised in accordance with requirements through a site notice and there has been consultation of Local Councillor and Community Council, including a number of statutory consultees and all the comments raised for and against the proposal have been considered in coming to a balanced decision on this application.

Residents in the village have acquired internet coverage by cables or satellite systems and therefore this proposal is now not required.

The proposal is part of the Government backed scheme called Shared Rural Network (SRN). It is a collaboration between Mobile Network Operators (MNO's) (Vodafone, Telefonica and Three) and the Government to improve 4G coverage for people living, working and travelling in poorly served rural areas.

The proposal will harm the local wildlife and habitats.

Planning Ecology has raised no objection to the proposed mast extension upon the existing telecommunications mast, and it is considered there will be no harm to local wildlife and habitats.

The trees around the application site should be preserved to ensure screening and mitigation for the proposal.

The agent to the application has confirmed that the trees are part of a long-term investment and the conifer crop above the mast is due to be felled around 2050 - 2055 and the crops below possibly 5-10 year afterwards.

The proposed extension to the existing mast comes following the original prior Notification application being determined after the permitted 56 day period to determine application E-38278

The Prior Notification Application E/38278 for the 15 metre telecommunications tower mast that exists at the application site was given a technical approval after the decision made on the application was sent a day over the 56 days permitted period of determination. This administrative error is now rectified by an improved digitised planning registration system.

The application is not supported by photo montages to consider the extension to the existing mast.

A Photomontage Report has been submitted in the application, which has enabled a realistic consideration of the proposal at the site.

The noise from the proposed extension to the telecommunications mast will be harmful to resident's living conditions.

The Authority has consulted the Public Protection section-Noise and not objection has been received. The application site is served by a generator; however, it is set away from any noise sensitive properties and it is not considered that there will be any significant harm caused from any noise, upon any residents' living conditions.

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 extension of 5 metres to the existing 15 metre high tower telecommunications mast will not result in a significant harm to the landscape. In terms of design, the detailed drawings of the proposed mast along with the supplementary information submitted within the application indicate that the mast is of a lattice construction, painted green and set well within the landscape, with significant tree screening, will provide the best option possible.

National Planning Guidance in the form of Planning Policy Wales and TAN19 sets out to facilitate the growth of new and existing telecommunications systems. It is felt that the

supporting evidence submitted with the application demonstrates the technical need for the proposed installation, and whilst the siting and design of the proposed mast ensures that environmental impact is kept at a minimum, it remains that it will have a limited impact upon the landscape quality in the locality.

After detailed assessment and careful examination of the proposal as submitted in relation to its surrounding environs, planning policy, the representations received to date and all other relevant matters, it is considered that, on balance, the proposal at this location accords with both local and national planning policy, being sited and designed to have as little potential environmental impact as possible to the landscape, whilst being able to provide the infrastructure required for the improved communications for the emergency services and MNO coverage. Therefore, on balance the application is supported, and a recommendation of approval is made.

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 relates to the following plans and documents and works shall be carried out in accordance with them unless amended by any conditions below:-

- Site photograph, location and Site Area Plan (EAS0021E-100-TEL Rev B0, received 8 June 2023
- Proposed Site Elevation- General Arrangement (EAS0021E-301-TEL Rev B), received 8 June 2023
- Proposed Site Plan- General Arrangement (EAS0021E-201-TEL Rev B), received 8 June 2023
- Antenna Details -General Arrangement (EAS0021E-400-TEL Rev B), received 8 June 2023
- Equipment Details- General Arrangement (EA0021E-500-TEL Rev B), received 8 June 2023
- ICNIRP Plan- General Arrangement (EAS0021E-600-TEL Rev B), received 8 June 2023
- ICNIRP Elevation - General Arrangement (EAS0021E-601-TEL Rev B), received 8 June 2023

Reason:

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

Notes / Informatives

Note 1

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

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

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

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

Note 2

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

Application No	PL/06083
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Application Type	Outline planning consent - all matters reserved
Proposal	Proposed detached bungalow
Location	60 Heol Y Meinciau, Pontyates, Llanelli, SA15 5RT

Applicant(s)	Mr Roland Thomas
Agent	Mr Darren Conway
Officer	Paul Roberts
Ward	Llangyndeyrn
Date of validation	01/08/2023

Reason for Committee

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

Site

The application site consists of part of the rear garden of an existing semi-detached property at 60 Heol y Meinciau in the village of Pontyates. The property is located on the junction of Heol y Meinciau with Heol Wepner with the latter being a private road that runs contiguous with the northern boundary of the site and provides access to the properties of Heol Wepner located to the north and east of the site. The site is irregular in shape having a width and depth of 19 metres and 20 metres respectively. It consists of a landscaped garden that includes a small outbuilding on its southern boundary while its road frontage with Heol Wepner is characterised by an established hedgerow. The levels of the site fall gently towards its southern boundary.

The site is located in a residential area being surrounded by existing properties which consist of a mix of bungalows and two storey houses. A small garden area is retained for the host dwelling of 60 Heol y Meinciau which also has the benefit of an off-road parking area in the form a side driveway that is accessed via Heol y Meinciau.

Proposal

The application seeks outline permission for the construction of a detached bungalow on the site. All detailed matters relating to the proposal have been reserved for future consideration whereby the application is seeking to establish the principle of developing a new bungalow on the site.

The application has been accompanied by an indicative layout of the new bungalow and its associated parking and amenity areas. The layout shows the bungalow having an L shaped arrangement being sited towards the eastern boundary of the site and fronting onto Heol Wepner. It includes provision for off-road parking to the side of the bungalow that will be accessed via Heol Wepner, as well as a private garden area that extends around the rear elevation. The scale parameters provided with the application indicate the bungalow will have a width and depth of between 10 and 12 metres, and a ridge height of between 6 and 7.5 metres. The proposal retains a garden area for the existing property and its existing parking provision will be unaffected by the proposal.

The application has been accompanied by a Coal Mining Risk Assessment which recommends that appropriate site investigations of the risks of past coal mining activity to the development be undertaken to identify any potential necessary remediation measures that may be required to make the site safe and stable for the development.

Planning Site History

There is no relevant planning history.

Planning Policy

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

SP1 Sustainable Places and Spaces
SP3 Sustainable Distribution - Settlement Framework
SP5 Housing
GP1 Sustainability and High Quality Design
GP2 Development Limits
GP3 Planning Obligations
H2 Housing within Development Limits
AH1 Affordable Housing
TR3 Highways in Developments – Design Considerations
EQ4 Biodiversity EP1 Water Quality and Resources
EP3 Sustainable Drainage

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

Summary of Consultation Responses

Head of Transportation & Highways – Has no objection.

Llangyndeyrn Community Council – Have concerns regarding the proposed new access onto Heol Wapner and the access from Heol Wapner onto Heol y Meinciau, however, no details are provided as to the precise nature of these concerns.

Local Members - County Councillor T Evans is a member of the Planning Committee and has not commented on the application to date. County Councillor M James has highlighted concerns raised by local residents regarding the use of Heol Wepner to access the new dwelling given it is a private road. Cllr James suggests that a solution may be to provide a shared access with the existing house on Heol y Meinciau.

Dwr Cymru/Welsh Water – Have raised no objection.

Sustainable Drainage Approval Body (SAB) – Have confirmed that the surface water drainage scheme proposed to serve the development will require separate SAB approval.

Coal Authority – Have no objection subject to the imposition of a suitable condition securing a scheme of intrusive site investigation works and any necessary remediation works to establish and remediate the risks posed to the development by past coal mining activity in the area.

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

Summary of Public Representations

The application has been publicised with the posting of a site notice within the vicinity of the site. In response, 4 letters of objection have been received from neighbouring residents which raise the following issues of concern.

- The new dwelling is to be accessed via Heol Wepner which is a private road and no permission has been sought from existing residents to use the road.
- Heol Wepner is already heavily trafficked and in a poor state of disrepair with significant on-street parking and the proposal will exacerbate existing problems with additional traffic and damage to the road, as well as increased pollution.
- Impact upon wildlife using the site.
- Impact upon neighbouring property values and loss of views.
- Amenity impact of construction works upon neighbouring residents by way of construction traffic, noise and fumes.
- The bungalow would potentially be out of keeping with other properties in Heol Wepner.
- Lack of consultation.
- Highway safety concerns given young children often play in the street along Heol Wepner.
- Loss of hedgerows.
- Vehicles parked within the development could not easily egress onto Heol Wepner given the level of on street parking.
- Loss of light to the property on the opposite side of Heol Wepner.

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

Appraisal

Turning firstly to the principle of the development, the site is located in a sustainable location within the development limits of Pontyates and is considered to be sufficiently large to accommodate a detached bungalow that would be in keeping with the prevailing pattern of frontage development along Heol Wepner. Its single storey design will reflect that of the neighbouring bungalow immediately adjacent to the site and adequate provision can be made for an off- road parking area and private garden space within its surrounds. The proposal will retain a suitable garden area for the existing dwelling of 60 Heol y Meinciau, while retaining generous separating distances to surrounding neighbouring properties. With the careful design of the bungalow as part of any subsequent reserved matters submission, the land could be developed in an acceptable manner without overdeveloping the site or causing any unacceptable material harm to the character and appearance of the surrounding area. The proposal is therefore in accord with the objectives of Policies H2 and GP2 of the LDP in that the principle of the development of a detached bungalow is considered to be acceptable.

Turning to the amenity concerns raised by the respondents, the development of a single dwelling on the site will not result in any unacceptable pollution impacts and whilst there may be some amenity impacts during the construction phase of the development, the effects would be temporary in duration. The single storey design and minimum separating distance of some 11 metres between the new bungalow and the front elevation of the property on the opposite side of Heol Wepner will safeguard against any unacceptable impact upon the occupiers of this existing property by way of loss of light, notwithstanding the concerns raised. The proposal is therefore in accord with the objectives of policies H2 and GP1 of the LDP in that will not result in any unacceptable residential amenity impacts.

In terms of highway safety, the Head of Transport has raised no objection to the proposal whereby it is not considered that the additional vehicular movements generated by the new bungalow will be of such a level that they could not be safely accommodated by the existing road network serving the site. Further, adequate provision will be made for off road parking within the site thereby ensuring it will not exacerbate the current level of on-street parking in Heol Wepner. It is also of note that the proposal will improve the level of visibility at the junction of Heol Wepner with Heol y Meinciau in that one of the conditions recommended by the Head of Transport will require that the existing pillars located to the front of the host dwelling, no. 60 Heol y Meinciau, be reduced to no more than 0.9 metres in height to improve the visibility in a southerly direction for vehicles egressing the junction. The proposal will therefore provide betterment to the safety of the residents of Heol Wepner who use this junction. Condition no.6 below refers.

A common ground of concern amongst respondents is that Heol Wepner is a private road with a number suggesting that the applicant is not permitted to use it to access development. Reference is also made to its current poor condition and that this will be exacerbated by the development. Issues relating to the ownership of Heol Wepner and whether the applicant is permitted to use it for the purposes of the development are outside the scope of planning control and would be a private civil matter between the applicant and the owner(s) of the road. Nevertheless, the absence of any alternative means of access to the site would mean that the applicant would be unable to build the dwelling in the first instance in the event that permission to use the private road was not forthcoming. Similarly, concerns regarding potential damage to the private road are not material in the consideration of the application.

The proposal therefore complies with Policies GP1 and TR3 of the LDP in that will not result in any unacceptable highway safety.

Concerns regarding the impact upon ecology and wildlife are unfounded whereby the proposal relates to a domestic garden that consists primarily of ornamental planting that is of no significant ecological value. Although the proposal will result in the loss of part of an existing privet hedge along the site's road frontage, its loss would not be a sound basis upon which to withhold permission and could be mitigated through the provision of compensatory planting within the development layout.

Matters relating the loss of a view and the depreciation of property prices are not material in the consideration of the application. Finally, as to the perceived lack of consultation, the application was publicised in accordance with the relevant statutory requirements with the posting of a site notice within the vicinity of the site.

Planning Obligations

Affordable Housing

The development will provide a financial contribution towards affordable housing provision in the area in accordance with Policy AH1 of the LDP. This will be secured via a Section 106 agreement.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy and sustainability objectives of the Authority's LDP and National Planning Policy. The relevant statutory consultees have all confirmed their acceptance of the development in raising no sustained highway, utility provision or ground stability objections to the application.

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

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

Any application for approval of the reserved matters shall be made to the local planning authority not later than three 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 begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

Condition 3

Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason:

In the interests of visual amenity.

Condition 4

The permission relates to the land defined in the 1:1250 scale location plan (Rev 01) received on 21 September 2023 and the scale parameters of the proposed dwelling shown in the 1:250 scale site layout plan (Rev 02) received on 21 September 2023

Reason:

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

Condition 5

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Heol Wepner frontage (land edged in red and blue) within 2.0 metres of the near edge of the carriageway.

Reason:

In the interest of highway safety.

Condition 6

Prior to the occupation of the dwelling hereby approved a visibility splay of 2.0 metres x 33.0 metres shall be formed and thereafter retained in perpetuity, to the south side of the centre line of the junction of Heol Wepner with the B4309 Heol y Meinciau 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.

Condition 7

Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking 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.

Reason:

In the interest of highway safety.

Condition 8

No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The details shall be submitted in pursuance of any reserved matters application and the development shall be completed in accordance with the approved details.

Reason:

In the interests of visual amenity and to safeguard the living conditions of the occupiers of nearby residential properties.

Condition 9

No development shall commence until details indicating the positions, height, design, materials and type of boundary treatment to be erected have been submitted to and approved by the local planning authority. The details shall be submitted in pursuance of any reserved matters application and the development shall be completed in accordance with the approved details prior to the occupation of the dwelling and retained for the lifetime of the development.

Reason:

In the interests of visual amenity and to safeguard the living conditions of adjacent occupiers.

Condition 10

No development shall commence until a scheme of biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be

implemented as approved and prior to the occupation of the dwelling. Thereafter, the enhancements shall be retained as approved in perpetuity.

Reason:

In the interests of biodiversity.

Condition 11

No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and authoritative UK guidance.

Reason:

To ensure that any instability arising from coal mining legacy is addressed in an acceptable manner.

Condition 12

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

Reason:

To ensure that any instability arising from coal mining legacy is addressed in an acceptable manner.

Condition 13

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

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

potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.

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

2. Designed and implemented a scheme for the investigation and recording of contamination on the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) should aim to provide information to refine and update the conceptual model outlined in the Preliminary Risk Assessment. This investigation should confirm and evaluate the significance of the identified potential contaminant linkages.

The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The report shall be submitted to and approved by the Local Planning Authority.

3. Based on the findings of the site investigation and risk assessment, submit detailed proposals for site remediation and verification (Options Appraisal and Remediation Strategy) giving full details of the remediation measures required and how they are to be undertaken. This will demonstrate how the site will be brought to a condition suitable for the intended use by removing any unacceptable risks posed from contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason:

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

Condition 14

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

Reason:

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

Condition 15

Prior to the occupation of the 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:

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

Notes / Informatives

Note 1

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

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

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

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

Note 2

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

Note 3

The applicant is advised that this planning permission is subject to a Unilateral Undertaking requiring the payment of a commuted payment towards the provision of affordable housing in the local area.

Note 4

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

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

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/05822
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Application Type	Full planning permission
Proposal	Proposed residential development of 16 units, extension of estate road and associated works
Location	Land formerly part of Cefn Farm and off Dan-y-Dderwen, Rhydargaeau, Carmarthen, SA32 7DQ

Applicant(s)	Datblygiadau Moelfre Developments Limited
Agent	Geraint John Planning Ltd - Mr Geraint John
Officer	Helen Rice
Ward	Abergwili
Date of validation	18/04/2023

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Neil Lewis.

Site

The site is located adjacent to the village of Rhydargaeau, which lies approximately 7km north of Carmarthen town along the A485. The village of Rhydargaeau is split into two areas along the A485 with the southern section situated within the valley of Nant Brechfa with the remaining section situated over the hill. The village is characterised by residential properties ranging from the traditional properties to more recently built developments. The majority of properties are situated along the A485 albeit with various spurs and cul-de-sac development serving more recent developments situated within the village too. The village is predominantly residential with some farmsteads. The nearest facilities lie to the south with a shop located within a petrol station 1.5km to the south and the nearest primary school within the village of Peniel a further 1.5km to the south.

The application site is located within the northern section of the village and adjoins a recent development of residential properties known as Dan y Dderwen which is accessed via a spur road from the A485 leading into the existing cul-de-sac. The Dan y Dderwen development relates to a residential allocation within the previous Unitary Development Plan

and the more recent Local Development Plan and has been built in two phases. The first phase comprising a development of 12 dwellings (including 2no. Affordable dwellings) situated off an extension of the existing spur from the A485 and the second phase comprising a development 12 dwellings (including 3no. affordable dwellings) situated to the west from a new access drive. The current application site comprises the third phase of the development, and would be accessed from the internal access road turning head currently serving phase 2.

The application site therefore borders the phase 1 development to the south east, the phase 2 development to the south west, the rear garden of properties located in the established residential cul-de-sac of Bro Helyg to the north west with the north eastern boundary defined by a hedgerow and minor unclassified rural road. The application site historically has been used for agricultural grazing, as was the land for phase 1 and 2 prior to their development. It is understood, since acquiring the site as part of the wider development, the agricultural activity has largely ceased, with part of the site appearing to have been used as a developers compound whilst phase 1 and 2 were being developed and part of the site having been subject to recontouring works to allow for foul drainage connections in association with the phase 1 development.

The application site is within a gentle depression with land to the south east (where phase 1 is situated) being at a noticeably higher level with the site itself gently sloping to the north east, with the rear gardens of properties on Bro Helyg at a slightly higher level.

Proposal

The proposal is referred to as Phase 3 of the Dan y Dderwen development by the applicant who also developed phases 1 and 2. The application, when originally submitted, proposed 17 dwellings. During the course of the application, this was reduced to 16 dwellings to facilitate a larger on site area of open space. The mix of units therefore now comprises 16no dwellings including, 3no. 2 bedroom semi-detached bungalows, 1no. 3 bedroom semi-detached bungalows, 2no 3 bedroom two storey semi-detached dwellings, 1no. 4 bedroom detached bungalow, 5no. 4 bedroom detached two storey dwellings and 4no. 5 bedroom detached two storey dwellings. 2no. 2 bed bungalows (Plots 35 and 36) and 1no. 3 bed bungalow (Plot 37) would be provided as low cost affordable units.

The proposed units would be arranged with their principal/front elevations facing onto the proposed internal access road with the proposed 5 bedroom dwellings situated at the end of the internal access road arranged in a private cul-de-sac. Each property would have off-street parking areas provided by a combination of driveway parking and garages situated primarily to the side of dwellings with garden/grassed frontages onto the access road along with private amenity garden areas ranging in scale relative to the size of the dwelling. The proposed dwellings would replicate the design details and materials of the existing dwellings situated on phases 1 and 2 , including a mix of render with facing brick, slate roofs, uPVC windows and composite doors.

An on-site public open space area has been designed into the proposal to be situated between numbered plots 33 and 34 as indicated on the proposed site layout plan. This area of open space has been negotiated during the course of the application following comments raised by the community council due to lack of facilities in the area at present. Following discussions, the developer has agreed with the community council to provide an area of 414sqm as open space that is intended to complement the area of open space provided within phase 2 which the developer has also agreed to upgrade through the provision of play

equipment. It is intended that these areas would be transferred to the community council. The area of open space within the site coincides with the underground highway soakaway drainage arrangements, with the mains foul drainage connection leading to the nearby pumping station situated along the internal access road.

The application is supported by various documentation, including a Pre-application consultation report which outlines the statutory pre-application process that was undertaken by the applicant prior to submission, Design and Access Statement, Preliminary Ecological Assessment and a Flood Consequences Assessment.

Planning Site History

As indicated above, land within the vicinity of the site has been the subject of recent planning permissions for its development for residential purposes. The relevant planning permissions referring to these areas are as follows:

Phase 1

W/16006 - Residential development - Outline Refusal 11/07/2008

W/19939 - Housing development - Outline Granted 15/09/2016

W/34499 - Access, appearance, landscaping, layout & scale (reserved matters to outline W/19939 for housing development 9 plots) - Reserved Matters Granted 13/12/2016

W/35444 - Non-material amendment to w/34499 (reserved matters granted 13.12.2016) - reposition dwellings; extend garage on plot 6; amended designs on plots 7 and 8 - Non-Material Amendment Granted 29/06/2017

W/37215 - Construction of 7no. dwellinghouses, which includes the re-positioning of two detached dwellinghouses, granted under approval of reserved matters W/34499, at plots 8 and 9, and variation to proposed house design at plot 3, together with the re-positioning of side plot boundaries at plots 2 and 3 - Full Granted 30/07/2018

Phase 2

W/38215 - Construction of 12no. dwellinghouses, with formation of estate road and associated infrastructure - Full Granted 26/04/2019

W/38559 - Discharge of Condition 10 of W/38215 (hedgerow translocation, tree planting and invasive species method statement) -Discharge of Planning Condition Granted 03/09/2019

PL/00534 - Non-Material Amendment to W/38215 (6 Clos Y Fedw) - Non-material amendment Granted 04/11/2020

PL/00813 - Non-Material Amendment (Design alterations to external features and internal rearrangements) to W/38215 (Plot No 18 at Dan Y Dderwen) - Non-material amendment Granted 04/11/2020

PL/01241 -Non Material Amendment W/38215 (Plot 19 Dan y Dderwen) - Non-material amendment Granted 09/03/2021

PL/02301 - Non Material Amendment to W/38215 (9 Clos Y Fedw (Plot 20) - Non-material amendment Granted 23/07/2021

Application site

W/36791 - Proposed re-contouring field adjacent to housing development to facilitate foul drainage scheme - Full Granted 03/04/2018

PL/03906 - Proposed residential development of 17 units, extension of estate road and associated works - Withdrawn 25/08/2022

Planning Policy

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

SP1 Sustainable Places and Spaces
SP2 Climate Change
SP3 Sustainable Distribution- Settlement Framework
SP5 Housing
SP6 Affordable Housing
SP14 Protection and Enhancement of the Natural Environment
SP16 Community Facilities
SP18 The Welsh Language
GP1 Sustainability and High Quality Design
GP2 Development Limits
GP3 Planning Obligations
GP4 Infrastructure and New Development
H2 Housing within Development Limits
AH1 Affordable Housing
TR3 Highways in Developments- Design Considerations
EQ4 Biodiversity
EQ5 Corridors, Networks and Features of Distinctiveness
EP2 Pollution
EP3 Sustainable Drainage
REC2 Open Space Provision and New Developments

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transportation & Highways – No objections subject to imposition of conditions to ensure compliance with the detailed plans which indicate the provision of an internal road designed to adoptable standards and the provision of parking and turning facilities.

Contaminated Land Officer - No objections subject to the imposition of conditions to ensure that any risks from potential ground contamination is fully investigated and if found duly remediated, monitored and managed.

Housing Service – confirm that the ward of Abergwili is an area of high housing need which will be supported by the provision of 20% of affordable housing units on the site. The need would be best met by providing either a mix of 2 bedroom, 4 person houses and 3 bedroom 5 person houses for low cost home ownership and/or by providing a mix of 2 bedroom, 4 person houses or 4 bedroom, 7 person houses for affordable rent. The dwellings must floorspace standards in order to qualify as affordable homes.

Public Protection (Public Health) - No objections subject to conditions to require the submission of a scheme for the mitigation of dust generated during all stages of the construction phase.

Public Protection (Noise) - No objections.

Education Officer – confirms that in the event planning permission is granted that a contribution towards education provision at both primary (Peniel School) and secondary (Bro Myrddin and QE High) schools is required. The contribution quoted in the response is £15,000 based on the original scheme of 17 dwellings which would remain applicable for a scheme of 16 dwellings.

Sustainable Drainage Approval Body – advised that the site is partially located in a surface water and small watercourse flood zone 2 and flood zone 3 and there was a need to demonstrate that the flood risk implications have been adequately addressed. Following the submission of an updated Flood Consequences Assessment the SAB team has now confirmed that they are satisfied with the submitted details and no longer raise a concern on flood risk grounds. Given the nature of the development, the proposal will require a Sustainable Drainage Approval Body Consent.

Leisure Services - confirmed that there are no existing play opportunities within the area and there is a need to provide on-site open space to include a larger "kick-a-bout" area that would allow for ball games and informal play opportunities, consideration should be given to improving the existing space and provision of further open space on the proposed site to cater for different age groups rather than the provision of the same equipment on both areas. Following discussions between the Community Council, Leisure team and the developer, and the securing of amendment plans to include a larger open space area Leisure Services is now generally content with the provision proposed subject to securing transfer, maintenance and timescale for the provision of the area and associated equipment.

Llanllawddog Community Council - initially commented raising the below concerns with the application, including provision of a copy of its response to the pre-application consultation exercise which raised similar queries:

- the applicant has failed to take into account comments raised at the pre-application consultation process citing there was insufficient time to amend the plans prior to the submission of the formal application;
- the pre-application consultation process was merely undertaken to comply with legislation rather than having meaningful consultation with the community;
- the play area previously provided in phase 2 is inadequate and sub standard;
- the site is located outside of the boundary of the current LDP albeit included in the 2nd Deposit Revised LDP;
- whilst broadly supportive of the proposal to construct the residential dwellings, grave concerns are raised in relation to the proposed provision of a small area of open space

- and proposed improvements to the phase 2 open space area which is considered inadequate and does not address the need as highlighted by the Council's Leisure team;
- communities are being built without amenities and children in the area need a play park and meeting place for families as well as creating a better sense of place and building opportunities for the community to thrive in line with the objective of the Well Being and Future Generations Act;
 - the council requests an amendment to the scheme to provide for an area of open space in excess of 400sqm to replicate similar developments within nearby villages in Abergwili and Peniel
 - Consideration should be given to the provision of a crossing point to facilitate residents to cross the A485 more safely to utilise the bus services;
 - Incumbent for the developer, given the major scale of the proposal, to enter into a section 106 to mitigate the effect of the development.

Following the receipt of the above initial comment, the Community Council, Leisure Team and the developer engaged in discussions to seek to address the matters raised in relation to the open space provision within the scheme. As a result, and as referred to above, an amendment to the scheme has been put forward to include a larger play area resulting in the loss of one unit and upgrading of the existing area in phase 2. The Community Council has commented that the provision now proposed represents an improvement on the original subject to appropriate equipment being installed on the play area for phase 2 and for this to be undertaken prior to any works commencing on the phase 3 development should planning permission be granted. However the Community Council continues to raised concerns over the siting of the area of open space within the development located between two houses which limits its attraction to the wider community of Rhydargaeau and Pontarsais and that a more central off-site location would be preferable.

Local Member(s) - Councillor Neil Lewis has stated that he supports the application and requests that should the application be recommended for refusal that it is determined by the Planning Committee on grounds that it is considered to be development of a reasonable and acceptable nature.

Natural Resources Wales – No objections to the development on grounds that the submitted Preliminary Ecological Assessment concludes that no protected species (including their resting and breeding sites) under their remit were found on the site. NRW confirm that they welcome the retention of boundaries and other recommendations and revert to the advice of the Council's Ecologist for advice in relation to matters outside of NRW's remit.

Dwr Cymru/Welsh Water – no objections subject to the imposition of conditions to ensure surface water/lands drainage is not allowed to connect directly or indirectly with the sewerage network and the mains sewer line is located on site and duly avoided with a 3m buffer either side of the centreline.

Mid & West Wales Fire and Rescue Service – no objections

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

Summary of Public Representations

The application was the subject of notification by way of site notices and a notice in the local newspaper. No representations from the public have been received as a result.

Appraisal

The main considerations of this case are considered to be whether the principle of the development is acceptable, the impact of the development on the character and appearance of the area, the impact of the development on the living conditions of neighbouring properties, highway safety impacts, open space provision, impacts upon biodiversity and drainage considerations.

Principle of development

The application site lies outside of the existing settlement boundary of Rhydargaeau as defined by the current LDP and is therefore classed as countryside where there is a presumption against residential development unless an exception applies. Such exceptions include the provision of 100% affordable housing developments provided that the development is in compliance with Policy AH2 of the LDP. This proposal, whilst providing an element of affordable housing, is in the majority an open market dwelling scheme and as such Policy AH2 does not apply. The other exceptions relate to local needs dwellings, one planet developments and rural enterprise dwellings, neither of which apply in this instance. As such, this proposal, whilst it is accepted lies adjacent to the settlement limits of Rhydargaeau is nevertheless located outside and is in direct conflict with the strategic objectives of the LDP which seeks to concentrate development within existing settlements. In particular Policy SP1 and Policy GP2 which states that only those developments which are located within existing settlements will be supported. This policy stance reflects the underlying principle of protecting the countryside from inappropriate development as advocated in Planning Policy Wales.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 specifies that development must be determined in accordance with the development plan unless material planning considerations indicate otherwise. In this case, as mentioned above, the proposal is a clear departure from the Adopted Local Development Plan and therefore cannot be considered to be in accordance. The applicant is appreciative of this stance however considers that there are material planning considerations, in the form of the site's inclusion in the 2nd Deposit Draft LDP as a residential allocation, that should be given significant weight to the extent that the draft policies outweigh those of the adopted policies. In addition, they consider that due to lack of residential development within the County as a result of phosphate implications there is a housing land supply shortage that needs to be addressed.

The Council is in the process of reviewing the current adopted LDP. This process has been underway for some time with an initial deposit draft LDP published for consultation in 2020. However, the process was delayed due to the pandemic and other fundamental policy issues including impacts of development on riverine Special Areas of Conservation through increased phosphates and Welsh Government guidance on flood risk. The Council has since produced a 2nd Revised Deposit LDP which was published for consultation earlier this year. It is currently anticipated that an examination into the revised deposit LDP will be undertaken early in 2024 whereby an Inspector will assess the soundness of the plan and inform the binding Inspector's report. Whilst the 2nd Deposit Draft LDP indicates a direction of travel the policies remain in draft and could be amended or deleted from the plan even though

they may not have been the subject of a representation during the consultation process. Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. For instance, objections have been received to the housing numbers and strategy which will require consideration at examination. As such, it is considered that the level of uncertainty at this stage of the LDP process supports the view that the 2nd deposit revised LDP carries very limited weight. Whilst it is recognised that the current LDP has come to the end of its plan period, Welsh Government clarified in September 2020 that all LDPs adopted prior to 4 January 2016 will remain the LDP for determining planning applications until they are formally replaced by an adopted revised LDP.

The application site, including the Phase 2 development site, is allocated within the 2nd Revised Deposit LDP for a residential development of circa 36 dwellings under site reference SuV14/h1. This allocation was included, along with all other housing allocations, within the 2nd Revised Deposit LDP plan to meet the projected housing requirements for the plan period which extends up to 2033. The applicant refers to the lack of housing developments that have been delivered in recent years against the Council's Average Annual Requirement (AAR). Historically Authorities were required to demonstrate a five-year housing land supply, however, this requirement was revoked in 2020. Housing delivery is now based on housing trajectories which is monitored as part of the Local Development Plan Annual Monitoring Report. Whilst it is acknowledged that the Council has not met the AAR in terms of delivery, this is being monitored through the Annual Monitoring Report of the LDP as set out in guidance. Nevertheless, the housing trajectory illustrates that there is sufficient housing land supply and site completion numbers are generally being developed in line with previous years.

In conclusion therefore, development of this site is currently contrary to the fundamental strategic objectives and policies of the current adopted Local Development Plan and therefore is classed as a departure which can only be considered acceptable if material planning considerations indicate otherwise. It is not considered that the site's allocation within the 2nd Revised Deposit LDP which is yet to be the subject of examination is sufficient a reason to grant planning permission and as such consideration of this application is currently premature pending further advancement of the 2nd Revised Deposit LDP. Welsh Government guidance in relation to the issue of prematurity states, "Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant planning permission would be to predetermine decisions about the scale, location or phasing of new development which ought to be properly to be taken in the LDP context."

It is considered that should planning permission for this site be granted then it would equally apply to other proposed allocation site and as such set a dangerous precedent without the sites being thoroughly tested through the LDP Examination process. It remains that the development of this site could be contrary to a level of growth or distribution of growth which is deemed unsound during the examination and it is due to this level of uncertainty that it is considered that the material planning considerations referred to by the applicant are not sufficient to outweigh the policies of the current adopted LDP.

Affordable Housing

Policy AH1 of the LDP requires all residential developments to provide affordable housing units with schemes of more than 5 units expected to incorporate on-site provision. The affordable housing requirement in this area is equivalent to 20%. The proposal includes 2no

2 bed and 1 no. 3 bed bungalow units (Plots 35, 36 and 37) for low cost ownership which generally complies with the overall requirement for the site. The units have also been designed to meet with the minimum space standards for low cost home ownership and would meet the identified housing need for the area as defined by the Housing Section. As such, subject to securing the provision of the units via a Section 106 agreement, the proposal complies with the requirements of Policy AH1 of the LDP.

Impact upon the character and appearance of the area

The proposal would be viewed within the context of the existing established residential area of Rhydargaeau, and would represent a logical extension or rounding off of the settlement given that the site is bordered by existing residential development on three of its four boundaries. Furthermore, the design, layout, materials and appearance of the site would reflect the development on phases 1 and 2. As such, it is considered that the proposal would be viewed as a continuation of the existing built form and upon completion would be viewed as one holistic development. Furthermore, the provision of appropriate landscaping, including the proposal for the planting of oak trees along the site's boundary with the unclassified highway to the east, serves to both provide appropriate mitigation and enhancement in terms of biodiversity as well as softening the transition between the site and the adjacent wider countryside. The proposal is therefore considered to comply with Policy GP1 in terms of character and appearance.

Impact upon the living conditions of existing and future residents

Policy GP1 of the LDP seeks to ensure that developments do not have a significant impact upon the amenity of adjacent land uses, properties, residents or the community. Evidently, developing a residential scheme adjoining other residential developments within the area has the potential to impact upon the living conditions of those residents through overlooking, loss of privacy and having an overbearing impact through inappropriate proximity and scale of units. The proposals have been designed to seek to minimise such impacts through providing appropriate distances between properties and the siting of the larger units towards the eastern end of the development. The topographical changes between the site and the rear garden boundaries of properties on Phase 1 coupled with the distances achieved between properties is considered to adequately mitigate against potential issues of both overlooking and over dominance of the units. In terms of the properties on the northern side of the access road that adjoin the rear gardens of existing dwellings on the Bro Helyg estate, whilst the topographical change in levels is not so apparent, adequate distances between upper floor windows are achieved. Suitable boundary treatments would be required to maintain privacy at ground floor level. With regards future residents of the development, the dwellings are appropriately designed and thus would not give rise to amenity loss concerns. The development is therefore considered to comply with Policy GP1 in terms of amenity issues.

Open space provision

All developments of more than 5 dwellings, in accordance with Policy REC2 are required to provide or facilitate provision of on-site open space. Where there is sufficient existing provision already available that would serve the development, then contributions towards those facilities, where appropriate and commensurate to the development will be sought. As referred to above, the provision of open space has been a key issue raised by the local community council given the lack of such provision within the village at present. The Phase 2 development included an area of open space within the scheme which currently consists

of an artificial turfed area with no play provision. The proposed development seeks to improve the provision within Phase 2 through installation of play equipment suitable for young children along with provision of a further area of open space within Phase 3. As referred to above the extent of the provision has been discussed at length between the applicant, community council and the leisure services team of the Council to arrive at the current proposal of an area of 414sqm proposed to be laid as an informal "kick a about" area located in between plots 33 and 34.

Whilst the improvement and increase in provision is welcomed, some reservations as to the location and siting remain. In particular, the community council would prefer an off-site location to better serve the wider community. Whilst this is acknowledged, it is not a requirement for a development to address an existing deficiency in provision but rather to cater for the needs and demands of the proposed development itself. The applicant has advised that off-site locations in close proximity to the site have been reviewed but were unavailable due to third party ownership. They have also clarified that looking further afield would not meet with the required tests of being directly related to the development and as such on balance, it is considered that the provision of the on-site space as now proposed coupled with the proposed upgrading of the existing site complies with the policy requirements. The timing of the delivery of the upgrading and provision on the on-site open space would need to be controlled by way of a Section 106 and/or a suitably worded Grampian condition that would time and restrict work taking place until the upgrading and provision is completed. The siting of the open space in between two dwellings and to the rear of one of the dwellings on phase 1 and further within the site has also raised concerns in terms of the practicality of its future use. However, it is inevitable that on-site open space provision that is designed to be accessible to those within the development will by default be in close proximity to dwellings. Nevertheless, appropriate boundary treatment would be required. In summary therefore, whilst acknowledging the concerns raised, it is considered that the proposal generally complies with Policy REC2 of the LDP in terms of open space provision.

Highway safety impacts

The proposed development would be accessed from the continuation of the existing estate road which has been designed to adoptable standards with the exception of the private driveway at the end of the road serving the 4no. 5 bedroom dwellings. A turning head is also incorporated. The Highways Authority have raised no objections to the scheme subject to imposition of standard conditions to ensure timely provision of the road infrastructure.

In terms of parking, each dwelling has its own off-street parking areas via garages and driveway parking. The normal parking standard for dwellings is one space per dwelling up to a maximum of 3 spaces. all of the units meet with this requirement with the exception of one of the affordable housing units. However, as noted by the Council's Highways Team the site is in close proximity to the nearby bus stop with a pedestrian link through the site and as such this slight under provision can be tolerated. The proposal is therefore considered to comply with the highway and parking requirements of Policy GP1 and TR3 of the LDP.

Biodiversity impacts

The application is supported by a preliminary ecological assessment which confirms that the site is not considered to be of international or national value with a limited range of botanical species in the field. The assessment refers to the hedgerow boundaries which are proposed to be retained. The report confirms there was no evidence of Japanese Knotweed on the

site albeit Himalayan Balsam is present and has been the subject of previous treatment but this needs to be continued to maintain control. No evidence of protected species utilising the site were found. A series of mitigation and recommendations are included within the assessment which the Planning Ecologist has confirmed general acceptance subject to the imposition of appropriate conditions. However, the Planning Ecologist raised an objection on grounds of the loss of an oak tree on the site and the lack of compensation and enhancement measures. Following discussions, the proposal now includes for the planting of a number of oak trees along the site's eastern boundary as a means of both compensation for the loss of the existing oak tree but also securing net gain for biodiversity. Provided appropriate conditions are imposed to secure the provision and subject to management and maintenance of these trees no objections are now raised. The proposal is therefore considered compliant with the requirements of Policy SP14 and EQ4 of the LDP.

Drainage and Flood Risk

The site is partly affected by surface water and small watercourse flooding towards the north eastern corner of the site. The application is supported by a flood consequence assessment that concludes that the site is unlikely to flood except in extreme conditions, with the flood risk limited to the north eastern corner of the site. The FCA explains that the flooding is associated with the site being within a dry valley and whilst its noted that flooding may occur the velocity and depth of flooding is not considered to be significant and will reduce further due to the proposed surface water drainage schemes that would be required as part of any development. It has therefore been concluded that flood risk has been adequately addressed. In terms of surface water flooding, as confirmed by the SAB team, the development would be required to apply for SAB consent prior to development taking place. In relation to foul flows, DCWW has confirmed that there is sufficient capacity within the existing Waste Water Treatment Works to accommodate the development.

Planning Obligations

The proposal would trigger a need for a Section 106 agreement to secure the provision of the affordable housing, education contributions as well as provision of the open space area, including its future management and maintenance. The applicant has indicated that they would be prepared to enter into an agreement in the event planning permission were to be granted.

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

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

The proposed development lies outside of the settlement boundary of Rhydargaeau as defined in the current LDP. The application is therefore in direct conflict with the strategic objectives of concentrating residential development within defined settlements and is a clear departure from the adopted Local Development Plan. It is not considered that the site's allocation within the 2nd Deposit Revised Local Development Plan, which has not been the subject of examination, can be relied upon as a robust justification to depart from the current adopted LDP. The policies and growth targets of the 2nd Deposit Revised LDP are in draft and could be the subject of change following the examination which in effect could affect site allocations included therein. Given the uncertainty involved, and the dangerous precedent that release of a 2nd Deposit Revised LDP site allocation ahead of its adoption would set, it is concluded that to grant planning permission for the site would be premature. Whilst the proposal generally complies with other policies in terms of design, scale, affordable housing, highways, biodiversity, drainage and highway considerations, it is not considered that this would amount to sufficient material planning considerations to outweigh the fundamental development location policies SP1 and GP2 of the adopted LDP. The application is therefore recommended for refusal.

RECOMMENDATION - Refusal

Reasons

Reason 1

The site is located outside of the settlement limits of Rhydargaeau as defined by the Carmarthenshire Local Development Plan Adopted 2014 and is therefore located within the countryside where there is a general presumption against development unless exceptions apply. The proposal for an open market dwelling development outside defined settlement limits does not comprise such an exception and as such the proposal is contrary to Policies SP1 and GP2 of the Carmarthenshire Local Development Plan 2014. The site's identification in the Second Deposit Revised Local Development Plan 2023 is not considered sufficient a reason to outweigh the adopted policy position as the Revised LDP is yet to be the subject of Public Examination. It is considered that to grant planning permission would be tantamount to predetermining the scale and location of development which ought to be properly considered through the LDP process. In addition, current housing trajectories for the County indicate that there is sufficient housing land supply.

Reason 2

The proposal is contrary to Policy GP3 'Planning Obligations', Policy AH1 'Affordable Housing' of the Adopted Carmarthenshire Local Development Plan 2014, the Affordable Housing Supplementary Planning Guidance June 2018, the Planning Obligations Supplementary Planning Guidance 2014 in that contributions towards Affordable Housing, Education and Open Space provision has not been secured by way of a legal agreement.