

DYDD IAU, 9 CHWEFROR 2023

AT: HOLL AELODAU Y PWYLLGOR CYNLLUNIO

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R **PWYLLGOR CYNLLUNIO** A GYNHELIR YN Y **SIAMBR, NEUADD Y SIR, CAERFYRDDIN AC O BELL AM 1.30 YP DYDD IAU, 16EG CHWEFROR, 2023** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

Wendy Walters

PRIF WEITHREDWR

| | |
|--|----------------------------------|
| Swyddog Democrataidd: | Martin S. Davies |
| Ffôn (Ilinell uniongyrchol): | 01267 224059 |
| E-Bost: | Democraticservices@sirgar.gov.uk |
| Gellir gwyllo'r cyfarfod ar wefan y cyngor drwy'r ddolen canlynol:- https://carmarthenshire.public-i.tv/core/portal/home | |

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

PWYLLGOR CYNLLUNIO
21 AELOD

GRŴP PLAID CYMRU- 11 Aelod

Cyng. Tyssul Evans (Cadeirydd)
Cyng. Mansel Charles
Cyng. Terry Davies
Cyng. Ken Howell
Cyng. Carys Jones (Is-Gadeirydd)
Cyng. Jean Lewis
Cyng. Denise Owen
Cyng. Dorian Phillips
Cyng. Russell Sparks
Cyng. Gareth Thomas
Cyng. Elwyn Williams

GRŴP LLAFUR - 6 Aelod

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

GRŴP ANNIBYNNOL - 1 Aelod

Cyng. Sue Allen

HEB GYSYLLTIAD

Cyng. John Jenkins

A G E N D A

- 1. YMDDIHEURIADAU AM ABSENOLDEB.**
- 2. DATGAN BUDDIANNAU PERSONOL.**
- 3. PENDERFYNU AR GEISIADAU CYNLLUNIO.**

5 - 40

Mae'r dudalen hon yn wag yn fwriadol

**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**

16/02/2023

**I'W BENDERFYNU
FOR DECISION**

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

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

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| COMMITTEE: | PLANNING COMMITTEE |
| DATE: | 16.02.2023 |
| REPORT OF: | HEAD OF PLACE AND SUSTAINABILITY |

| REF. | APPLICATIONS RECOMMENDED FOR APPROVAL | PAGE NOS. |
|-----------------|--|------------------|
| PL/04222 | A 3G artificial pitch is proposed for the playing of rugby and football and will replace the existing grass rugby pitch. The proposals will include new floodlighting. The existing gravel running track around the perimeter of the pitch will be resurfaced with a porous synthetic surface at Amman Valley Leisure Centre, Margaret Street, Ammanford, SA18 2NW | 9 - 16 |
| PL/04596 | Proposed full planning permission for lorry servicing workshop, tyre storage distribution centre and ancillary offices at Plot 12 Cross Hands Strategic Employment Site, Heol Parc Mawr, Cross Hands, Llanelli, SA14 6RE | 17 - 28 |
| PL/04746 | Application for approval of reserved matters approval (access, appearance, landscaping, layout and scale) in respect of 36 homes and associated works pursuant to Planning Permission W/38125 (allowed at appeal Ref: APP/M6825/A/20/3249883) and associated discharge of condition nos. 2, 4, 5, 6 and 11 of the outline planning permission at Land south of Dol Y Dderwen, Llangain, Carmarthenshire, SA33 5BE | 29 – 40 |

APPLICATIONS RECOMMENDED FOR APPROVAL

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| Application No | PL/04222 |
|-----------------------|-----------------|

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|-------------------------|---|
| Application Type | Full planning permission |
| Proposal | A 3G artificial pitch is proposed for the playing of rugby and football and will replace the existing grass rugby pitch. The proposals will include new floodlighting. The existing gravel running track around the perimeter of the pitch will be resurfaced with a porous synthetic surface |
| Location | Amman Valley Leisure Centre, Margaret Street, Ammanford, SA18 2NW |

| | |
|---------------------------|----------------|
| Applicant(s) | Ian Jones |
| Agent | Laura Fretwell |
| Officer | Hugh Towns |
| Ward | Ammanford |
| Date of validation | 23/06/2022 |

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 site is located within the Amman Valley Comprehensive School/Leisure Centre Complex, to the north of the swimming pool. The land is relatively flat and is currently used as an athletics track (6 lane) and school playing fields. Land to the west is woodland/scrub including an area of Ancient Semi-natural woodland. There is also an area of Restored Ancient Woodland located to the south. To the east is the existing astroturf football/hockey pitch and a further area of woodland. The northern boundary is defined by a hedgeline with open fields beyond. The closest residential properties are at Y Gorsedd approx 140m to the west beyond the woodland, and at Margaret Street approx 150m to the south, also screened in part by woodland. Construction and maintenance access to the site is gained from Church Street but the main access would be the school access from Margaret Street. A public footpath crosses the north eastern corner of the site and is to be retained along its current alignment.

Proposal

The proposal involves the construction of a 3G artificial pitch for the playing of rugby and football and will replace the existing grass rugby pitch within the centre of the athletics track. The proposals include new floodlighting of the pitch (8 columns). In addition, the existing gravel running track around the perimeter of the pitch will be resurfaced with a porous synthetic surface. The pitch/track will be enclosed with 2.4m high Heras type fencing for security purposes. A 1.5m high bund is proposed along the western boundary with the woodland and along the northern boundary, allowing a 2m gap for the public right of way. A new hedge is to be formed on the western bank. Construction work is estimated to take 6 months.

Planning Site History

E/30676 - DISCHARGE OF CONDITIONS 5 AND 7 ON E/25619 (LAYOUT OF SPORTS PITCHES AND EDUCATIONAL RESOURCE PLAN) - Discharge of Planning Condition Granted 30/09/2014

E/25764 - EXTENSION OF EXISTING CAR PARKING PROVISION TO CREATE ADDITIONAL PARKING FOR YSGOL DYFFRYN AMAN AND AMMAN VALLEY LEISURE CENTRE. - Full Granted 14/02/2012

E/25619 - DEVELOP PLAYING FIELDS TO THE NORTH OF THE SCHOOL, PROVIDING NEW SPORTS PITCHES ON THE CURRENTLY DISUSED LAND TO THE NORTHERN BOUNDARY - Full Granted 06/07/2012

E/24897 - DEVELOP PLAYING FIELDS TO THE NORTH OF THE SCHOOL, PROVIDING NEW SPORTS PITCHES ON THE CURRENTLY DISUSED LAND TO THE NORTHERN BOUNDARY - Full Granted 27/09/2011

E/20898 - ADAPT AN EXISTING NETBALL/TENNIS COURT AREA INTO AN EXTENSION TO THE EXISTING CAR PARK. A NEW COURT AREA TO BE CONSTRUCTED AMONGST EXISTING GAMES FACILITIES TO REPLACE THE COURT LOST TO THE CAR PARK - Full Granted 16/07/2009

P6/183/95 – PROPOSED ALL WEATHER ASTROTURF FACILITY AND ASSOCIATE WORKS – Full Granted 18/05/1995

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 SP14 - Protection and Enhancement of the Natural Environment

Policy SP16 - Community Facilities

Policy GP1 - Sustainability and High Quality Design

Policy TR3 - Highways in Developments - Design Considerations

Policy EQ4 - Biodiversity

Policy EQ5 - Corridors, Networks and Features of Distinctiveness

Policy EP2 - Pollution
Policy EP3 - Sustainable Drainage
Policy REC1 - Protection of Open Space
Policy REC3 - Proposed New Open Space

[Carmarthenshire Supplementary Planning Guidance](#)

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

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

Summary of Consultation Responses

Public Health Services - It is imperative the floodlight scheme limits all overspill onto neighbouring properties, hours of operation should be limited to 10pm

Contaminated Land Officer - request conditions relating to encountering contamination during construction works

Sustainable Drainage Approval Body - a SuDS application will be required

Public Rights of Way - A 2m gap in the bund must be provided to allow for the public footpath along its definitive alignment.

Ammanford Town Council - raised queries about traffic generation, parking, opening hours and fencing

Natural Resources Wales - We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding European Protected Species (bats and dormice). If this information is not provided, we would object to this planning application.

Coal Authority - do not object

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

Summary of Public Representations

The application has been publicised by Site Notice and advertisement in the local press. No representations have been received as a result.

Appraisal

Principle of Development

The southern part of the site where the existing track (and the proposed new track and pitch) is located is identified in the Carmarthenshire Local Development Plan as an area of recreation open space. Policy REC1 of the LDP states that provision will be made to protect

and wherever possible enhance accessibility to open space. This application accords with the policy as it will enhance accessibility for recreation. The land to the north of the existing track is identified in the LDP under Policy REC3 as land where provision is made for new open space proposals.

Ecology & Biodiversity

The only issue is the potential impact of the floodlighting on protected species such as bats and dormice. Bats are highly likely to be using the area for commuting and foraging. Woodland and scrub habitats on site were considered as having moderate potential to support dormice. The applicants claim that the light spill from the floodlighting towers will be mainly filtered out before reaching the Ancient Semi-natural woodland (ASNW) area behind and that it is clear that the light levels within the ASNW will be reduced by at least

70%. Unfortunately, NRW remain unclear as to how the light spill will be reduced to acceptable levels to avoid light disturbance of any bats or dormice that might be using the woodland.

Therefore, in the absence of additional work to demonstrate that flood lighting would not significantly affect bats or dormice in this area, NRW request further information to demonstrate that there will not be a significant impact on bats and dormice within the woodland to the west of the sports pitch, as a result of the proposed floodlighting.

As the issue relates only to the floodlighting the impact on bats and dormice can be mitigated by a condition which prevents any floodlighting being used at the site unless the developer has clearly demonstrated that there will be no significant adverse impact on bats or dormice.

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 complies with policy in terms of the provision and protection of recreation open space. The only issue is the impact of the floodlighting on protected species such as bats and dormice. The impact can be avoided by imposition of a condition preventing the use of any floodlighting until such time that it has been demonstrated that there will be no significant impact on protected species.

The application is therefore recommended for approval.

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. At least 7 days prior to the commencement of development a Notice under Article 24B(2) shall be given to the Local Planning Authority to inform them when development will begin.

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

Condition 2

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

- Site Location Plan (AVL-CAP-61-XX-DR-C-0601-P01)
- Site Investigation by Quantum (G40211/LR02)
- Drainage Layout Overall (AVL-CAP-61-XX-DR-C-0501-P01)
- PAC Report - December 2019
- Preliminary Ecological Appraisal (May 2022)
- Tree Survey & Arboricultural Impact Assessment (June 2022)
- Planning, Design & Access Statement (June 2022)

received 20 June 2022

- Site Investigation (G40211/LR01)

received 12 August 2022

- Cellweb Build-up in a TRP Zone (TR22-4094_RUR_CEL)
- Site Longitudinal Sections (AVL-CAP-61-XX-DR-C-0605-P02)
- Site Longitudinal Sections Locations (AVL-CAP-61-XX-DR-C-0604-P02)
- Masterplan (AVL-CAP-61-XX-DR-C-0603-P02)
- Existing Site Plan (AVL-CAP-61-XX-DR-C-0602-P02)

received on 2 November 2022

- Floodlighting Plan (AVL-WSP-61-XX-DR-E-0606-P03)
- Hedge Planting (AVL-WSP-61-XX-DR-C-3001-P01)
- Bat Survey Report by WSP (December 2022)

received on 22 December 2022

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

Condition 3

Prior to commencement of works a detailed ecological and landscape plan must be submitted to the LPA for written approval. This must include details of planting on bunds (following recommendations in section 6 the Bat Report by WSP dated October 2022) and locations of bat boxes. Details of proposed management and maintenance of new planting

should be included on the plan or in a separate Landscape and Ecological Management Plan (LEMP).

Reason: in the interests of biodiversity

Condition 4

Construction works shall only be undertaken between the following times, and not during school arrival / leaving times:

Monday to Friday: 7:30 – 18:00

Saturday: 08:00 – 14:00

No works shall be carried out on Sundays, bank or public holidays.

Reason: in the interests of the amenity of the local area

Condition 5

No floodlighting shall be used at the site unless the operator has submitted a Floodlighting Scheme for the written approval of the Local Planning Authority which demonstrates that their operation would have no significant adverse impact on bats or dormice. The flood lighting scheme shall inter alia provide for the lighting of the pitch to cease by 10:15pm. The floodlighting shall be operated in accordance with the approved scheme

Reason: in the interests of the amenity of the local area.

Condition 6

An Arboricultural Method Statement for the protection of existing trees on or bounding the site shall be submitted for the written approval of the Local Planning Authority prior to the start of any engineering operations at the site

Reason: in the interests of biodiversity.

Condition 7

If, during development, any contamination should be encountered (including if a coal mining feature or if a mine gas risk is identified) immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation strategy must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation strategy, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reason: the prevention of pollution

Condition 8

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

The CL:AIRE Code of Practice (CoP) must be referred to if the developer intends to reuse site won materials. The CoP provides a clear, consistent and streamlined process which enables the legitimate re-use of materials on site. Please refer to the CL:AIRE website (<https://www.claire.co.uk/projects-and-initiatives/dow-cop>) for further information on the CoP.

Details of any soil to be imported to, or re-used on, site must be provided in writing to Environmental Protection via the Local Planning Authority prior to importation / re-use. Details should include the source of the soil, sampling frequency and a certificate of analytical results with full rationale and justification undertaken by a suitably qualified individual. The developer should refer to the WLGA guidance document 'Requirements for the Chemical Testing of Materials for Various End Uses' (2013), which presents the specific sampling frequencies for imported/re-used materials, dependent upon the quantities to be imported and their proposed use at a development. The document outlines the process for ensuring all required information is submitted in relation to the relevant planning condition in a series of step-by-step actions. Reference should also be made to section 4 of the attached developers guide.

Reason: The prevention of pollution

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 Policy SP1, SP14, SP16, GP1, TR3, EQ4, EQ5, EP2, EP3, REC1 and REC3 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed works would provide for recreation open space and enhance the provision. In addition, there are no adverse effects on 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

Vegetation clearance or works within woodland and scrub habitats inside the bird breeding season should be avoided (i.e., works should be conducted between September and February inclusive) or under ecological supervision.

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.

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| Application No | PL/04596 |
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| Application Type | Full planning permission |
| Proposal | Proposed full planning permission for lorry servicing workshop, tyre storage distribution centre and ancillary offices. |
| Location | Plot 12 Cross Hands Strategic Employment Site, Heol Parc Mawr, Cross Hands, Llanelli, SA14 6RE |

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|---------------------------|------------------------------------|
| Applicant(s) | Tuf Treads LTD |
| Agent | Asbri Planning Ltd - Iwan Rowlands |
| Officer | Paul Roberts |
| Ward | Gorslas |
| Date of validation | 09/12/2022 |

Reason for Committee

This application is being reported to the Planning Committee as Carmarthenshire County Council has a financial and land ownership interest.

Site

The application site consists of a rectangular shaped parcel of land that forms part of the Cross Hands East Strategic Employment Site which is located to the north and immediately adjacent to Cross Hands Business Park, and to the south of the residential area of Black Lion Road in Gorslas. The wider Employment site is accessed via the Cross Hands Economic Link Road that has recently been completed and runs contiguous with its south-eastern boundary on its southerly approach to the A48. A new distributor road has been constructed through the employment site that is accessed from the link road and provides access to a large number of serviced development plots which include the application site. Two of these have been developed, one of which is immediately to the south-east of the application site, while developments are currently ongoing on others.

The application site itself extends to a hectare in area and is located in the south-western periphery of the wider employment site, immediately adjacent to the existing business Park and commercial units therein. It consists of a flat grassed plateau that has a spur from the distributor road and has been created in readiness for development, and is identified as Plot

no. 12 of the wider development. The peripheral areas of the site to the south and west of the grassed plateau fall in level towards their respective boundaries which consist of well-established and mature trees. There is a large swale between the wooded area along the southern boundary and the raised plateau that was constructed as part of the wider employment site and receives and attenuates surface water prior to its discharge to a surface water sewer.

The areas of the business park located to the south and west of the site consist of a mix retail and commercial units as well as a large caravan sales business. To the north and east are neighbouring development plots within the wider employment site with a car garage and tyre fitting unit having been constructed on a development plot located a short distance to the east of the site. The residential areas of Ty Newydd Terrace and Black Lion Road are located to the west and north respectively and are separated from the site by part of the existing business park and the vacant development plots in the wider employment site.

Proposal

The application seeks full planning permission for the development of a new lorry servicing workshop, tyre storage distribution centre and ancillary offices on the site. By way of background, the applicants, Tuf Teads Limited, are a well-established local business that provide vehicle tyres and maintenance services. They currently have 6 premises which include garages/depots at both Pontyberem and Cross Hands, with the latter being the garage located a short distance from the application site referred to above. Their depot at Pontyberem is currently at capacity and the proposed new building will allow the business to expand into larger premises while being close and well related to their neighbouring garage and tyre fitting unit. It is anticipated that the new facility will result in the creation of 15 new jobs in addition to those already employed by the applicants.

The main part of the building will cover a floor area of approximately 40 metres by 50 metres and be of a single storey construction that will provide 6 lorry servicing/loading bays and a large storage area. It will consist of a number of low-pitched roofs with the front elevation being characterised by large roller shutter doors that will provide vehicular access to the building. The building will include an adjoining flat roof element that will be of a two-storey construction and include the offices, reception and associated ancillary facilities. Externally, the finishes of the building will reflect those of the applicant's nearby garage with aluminium clad elevations and roofs.

The building will be constructed on the existing grassed plateau within the site, close to the roadway and will be fronted by a large forecourt area that will provide a vehicle parking and turning area for the large vehicles accessing and egressing the site, as well as parking for employees and visitors. Surface water drainage from the development is to be disposed of to the existing swale within the site prior to its attenuated discharge to the existing surface water system, albeit matters relating to the detailed design of this scheme will be considered separately as part of a SAB application that will be submitted to the Council's SAB team.

The application has been accompanied by an indicative landscaping scheme and biodiversity enhancements with the latter consisting of the provision of a mix of bat and bird boxes. It has also been accompanied by a pre-application consultation report with this being a statutory requirement based upon the scale of the development and building proposed.

Planning Site History

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

W/40252 - Variation of Condition no. 3 of W/23782 approved - 29/11/12 (extension of time by 9 years from date of outline permission)
Removal/Variation of Condition granted - 15 October 2020

W/38284 - Reserved Matters to Outline W/23782 - drainage (surface water and foul), earthworks plateau levels, highway design (GA, long sections, cross sections), kerbing, pavement finishes, street lighting, road markings, proposed services, proposed boardwalk
Reserved Matters granted - 19 July 2019

W/38440 - Discharge of Condition 24 of W/33578
Discharge of condition granted 27 March 2019

W/33578 - Variation of Condition no. 3 of planning permission W/23782 approved 29/11/2012 (extension of time by 5 years from date of outline permission)
Variation of Condition granted 16 October 2018

W/32133 - Non material amendment to W/29034 (condition 4 - drainage) Pending

W/32131 - Non material amendment to W/23782 (condition 4 – layout, condition 5 - walls & fences & condition 23 pollution control)
Non Material Amendment granted - 17 November 2015

W/32132 - Discharge of Condition 6 of planning permission W/29034 (landscaping and updated Dormouse mitigation measures)
Discharge of Condition granted - 04 November 2015

W/29034 - The Cross Hands East SES internal access road and development plot plateaus, as shown on the application plan P 011 that accompanies this application - Reserved Matters (access and landscaping) to outline planning permission W/23782
Reserved Matters granted - 17 February 2014

W/23782 - Proposed development of industrial park, including the development of business and industrial units (Use Classes B1 and B8), offices, business incubator units, a hotel, a business central hub, resource centre, energy centre, central green space, parkland, roads, gateway feature, pedestrian and cycling facilities including a green link, landscaping, provision of foul and surface water drainage, attenuation ponds, services, utilities, site remediation, plus associated engineering operations.
Outline granted - 29 November 2012

Planning Policy

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

SP1 Sustainable Places and Spaces
SP2 Climate Change
SP3 Sustainable Distribution - Settlement Framework
SP4 Strategic Sites

SP7 Employment – Land Allocations
GP1 Sustainability and High Quality Design
TR3 Highways in Developments – Design Considerations
EQ4 Biodiversity
EMP2 New Employment Proposals
EQ7 Development within the Caeau Mynydd Mawr SPG Area

[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 – Has no objection subject to the imposition of appropriate conditions.

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

Gorslas Community Council – Have not commented on the application to date.

Local Members - County Councillors Darren Price and Aled Vaughan Owen have not commented on the application to date.

Dwr Cymru/Welsh Water – Have raised no objection.

Natural Resources Wales – Have raised no objection.

The Coal Authority – Have raised no objection.

Mid and West Wales Fire and Rescue Service - Have raised no objection.

Police Liaison Officer - Has 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.

Wales and West Utilities - Have raised no objection.

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

Summary of Public Representations

The application was the subject of notification by way of the posting of a site notice and the publication of a press notice in the local newspaper. In response, no third-party representations have been received to date.

Appraisal

The application site forms part of the Cross Hands East Strategic Employment Site that is allocated for B1 and B8 purposes under Policies SP4 'Strategic Sites' and SP7 'Employment – Land Allocations' of the adopted LDP. It is a key strategic site for employment growth within the County forming part of the Ammanford/Cross Hands Growth Area designated under the Policy SP3 of the Plan. Further, it currently has the benefit of outline planning permission for its development as an industrial park for B1 and B8 uses, and subsequent reserved matters permissions for the construction of the distributor access road and the formation of serviced development plots in the wider site, with these elements having already been constructed. The principle of the development of the site for employment purposes is therefore already well established.

The applicants are a well established local company and the proposal will provide new premises that will allow them to expand their current business thereby creating new employment opportunities in the surrounding area. The tyre storage and distribution centre will be well related to their existing garage and tyre fitting unit which has been constructed a short distance from the site on one of the neighbouring serviced plots. Whilst the proposal will also include a B2 use in the form a lorry servicing workshop, nonetheless, the use of the building for such purposes will be compatible with the site's location within the wider employment site and immediately adjacent to existing commercial units in Cross Hands Business Park. Moreover, it will be sufficiently distant of the nearest residential properties to safeguard against any unacceptable impacts upon existing living conditions, being separated from these by part of the business park and vacant development plots. The Head of Public Protection has offered no objection to the proposal in this regard subject to the imposition of suitable conditions on any permission granted.

The scale, design and layout of the development have been designed to meet the applicants' operational requirements to allow the business to expand and are in keeping with and compatible with those of surrounding industrial and commercial developments. The new industrial unit will be served by the existing distributor road having easy access to the Cross Hands Economic Link Road and the A48 strategic road network, while also being located in a sustainable location that is easily accessible by public transport and sustainable means of travel. The development will incorporate adequate parking and turning facilities in a large front forecourt and the Head of Transport has raised no objection from a parking or highway safety perspective.

The site is located close to the Caeau Mynydd Mawr SAC and whilst a financial contribution would normally be sought towards mitigating its potential impact upon the SAC by increasing the quality and amount of suitable habitat for Marsh Fritillary butterfly available within the local area, this matter was addressed as part of the granting of the original outline planning permission whereby a contribution was made for the entire strategic employment site of which the proposal forms part. The proposal will therefore have no unacceptable impact upon the SAC in accordance with the requirements of Policy EQ7 of the LDP, while the existing trees bordering the southern, eastern and western boundaries of the site will be retained as part of the development. The Council's Planning Ecologist, Arboricultural Officer and Natural Resources Wales raised no objection from an Ecology or landscape perspective.

Finally, the application has attracted no objections from the any of the relevant statutory consultees and no third-party objections have been received from neighbouring residents.

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. It is in accord with the economic and sustainability objectives of the LDP forming part of the Cross Hands East Strategic Employment Site and will provide employment benefits to the surrounding area and County as a whole.

For these reasons, the application is put forward with a favourable recommendation subject to the following:

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 documents:

- Preliminary Coal Mining Risk Assessment (DE/15497/CMRA)
- Mine Location and Stabilisation Reports (Report F965/MEP01(RevA)/ABM/RE; Report F965/MW01 (RevA) / ABM/RE; Report F965/MEP01(RevA)/ABM/RE)
received on 31 August 2022
- Site block plan and location plan (06)
- Proposed elevations (04B)
- Proposed first floor plan (02)
- Proposed ground floor plan (01A)
received on 2 September 2022

- Planning Design and Access Statement (August 2022)
received on 21 November 2022
- Proposed site plan (04C)
- Proposed site plan with topographical survey (05C)
received on 9 January 2023
- Drainage Strategy Report
- Proposed schematic storm-water drainage plan (22/315 (01))
received on 6 January 2023
- Rigid truck swept path analysis bay 1 drawing
received on 18 January 2023

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

Condition 3

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

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

The risk assessment shall include a mine gas risk assessment that considers the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CLAIRE - 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.
3. 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.

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 4

Prior to the use 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 5

Prior to the use 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.

Condition 6

If, during development, any contamination is encountered that has not been identified previously then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.

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

Condition 7

No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to safeguard existing trees to be retained as part of the development.

Condition 8

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 beneficial occupation of the dwellings. Thereafter, the enhancements shall be retained as approved in perpetuity.

Reason: In the interests of biodiversity.

Condition 9

Prior to the commencement of development, an external lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall take into account all of the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas and in particular the woodland to the north and west of the site.

The scheme shall include:

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site, including in the woodland areas.
- See Guidance Note 8 Bats and Artificial Lighting / Bat Conservation Trust and the Institution of Lighting Professionals, 2018.

Reason: To safeguard against any unacceptable ecological impacts.

Condition 10

The rating level of sound emitted from the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014+A1:2019.

Reason: To safeguard against any unacceptable noise impacts.

Condition 11

Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to undertake a noise assessment in accordance with BS 4142: 2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in condition 10. The assessment shall be undertaken under the supervision of the Local Authority.

In the event that Condition 10 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 10. The development shall then be undertaken in accordance with the approved details.

Reason: To safeguard against any unacceptable noise impacts.

Condition 12

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

Reason: In the interests of highway safety

Condition 13

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 14

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

Reason: In the interests of highway safety

Condition 15

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

Reason: To ensure the development is drained in an acceptable manner.

Condition 16

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 development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

Condition 17

Prior to the commencement of the development hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the use is commenced.

Reason: In the interests of visual amenity.

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).

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|-----------------------|-----------------|
| Application No | PL/04746 |
|-----------------------|-----------------|

| | |
|-------------------------|--|
| Application Type | Approval of reserved matters |
| Proposal | Application for approval of reserved matters approval (access, appearance, landscaping, layout and scale) in respect of 36 homes and associated works pursuant to Planning Permission W/38125 (allowed at appeal Ref: APP/M6825/A/20/3249883) and associated discharge of condition nos. 2 (timescale for the submission of reserved matters), 4 (reserved matters), 5 (foul water drainage), 6 (levels) and 11 (connection to Public Right of Way) of the outline planning permission |
| Location | Land south of Dol Y Dderwen, Llangain, Carmarthenshire, SA33 5BE |

| | |
|---------------------------|----------------------------------|
| Applicant(s) | Pobl Group |
| Agent | Asbri Planning Ltd - Phil Baxter |
| Officer | Paul Roberts |
| Ward | St Clears and Llansteffan |
| Date of validation | 20/10/2022 |

Reason for Committee

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

Site

The application site consists of a roughly square shaped parcel of land located to the south of the Dol y Dderwen residential estate in Llangain. It covers an area of approximately 1.45 hectares and forms the eastern half of a large field enclosure that bounds the southern side of the estate. The land slopes down gently towards its northern boundary with the estate which consists of a mix of hedgerows and post and wire fencing. The estate road serving Dol y Dderwen terminates in a cul de sac on the boundary of the site.

The site has no physical western boundary separating it from the wider field enclosure whilst the eastern boundary consists of a mix of hedgerow and wire fencing that run contiguous with Church Road which extends in a southerly direction from its junction with the B4312.

The southern boundary is defined by a public right of way that provides a direct link from Church Road to School Lane to the west.

The Dol y Dderwen estate is characterised by relatively low density detached bungalows. The properties of Coedmor Avenue are located to the west of the field enclosure wherein the site is located and consist of a mix of detached bungalows and semi-detached housing. The primary school, community hall and village park are located beyond Coedmor Avenue along School Lane and can be accessed from the site via the public right of way. There is a bus stop in the village located a short distance from the site on School Lane and the B4312. The areas to the south and east of the site consist of open countryside.

Proposal

The application seeks approval of the reserved matters, namely the access, appearance, landscaping, layout and scale, for 36 dwellings and associated works pursuant to outline planning permission W/38125. It also seeks the associated discharge of conditions 2 (timescale for the submission of reserved matters), 4 (reserved matters), 5 (foul water drainage), 6 (finished levels) and 11 (connection to public right of way) of the outline planning permission.

By way of background, the application site currently has outline planning permission for the development of 36 dwellings together with associated works under planning application reference W/38125. The permission was granted at appeal on 11 December 2020 following the Council's refusal of the planning application on 20 November 2019. The application was refused on the basis of the Planning Committee's resolution at its meeting on 17 October 2019 that, contrary to the officer recommendation, the development was in conflict with the objectives of Policy TR3 'Highways in Developments - Design Considerations' of the LDP and Technical Advice Note 18 : Transport (March 2007) in that :

It will have an unacceptable impact upon highway safety on the local road network by way of the generation of construction traffic and the increased traffic movements associated with the new residential development. In particular, the proposal will have an unacceptable impact upon highway safety at the junction of the B4312 with School Lane (U2137), the junction of School Lane (U2137) with the Dolydderwen estate, and within the Dolydderwen estate.

In addition, the construction traffic and increased traffic movements associated with the new residential development will have a significant, harmful impact upon the residential amenity of existing residents on the local road network serving the development.

The applicant appealed the Committee's decision and was subsequently granted outline planning permission for the 36 dwellings proposed subject to a Unilateral Undertaking that secures the following community benefits as part of the development :

- Provide no less than a 30% proportion of affordable housing within the development.
- A contribution of £24,000 towards the improvement of open space and /or recreational facilities in the village of Llangain.
- A contribution of £22,000 towards the improvement of education facilities within the local primary and secondary catchment schools.

It is noteworthy that applicant was also awarded costs by the Planning Inspector at the appeal on the basis that the Council was deemed to have acted unreasonably in departing

from the officer recommendation without providing evidence to substantiate how the development would have a harmful effect upon highway safety and on residential amenity.

The current reserved matters application has been submitted by Pobl Group and proposes a mix of dwelling types and tenures within the development. The tenure mix has been designed to address the identified housing need in the area and will provide a greater proportion of affordable units than the 30% (or 11 dwellings) required under the Unilateral Undertaking. The dwellings will include :

- 9 no. private dwellings consisting of 4 no. 3 bedroom detached bungalows and 5 no. 4 bedroom detached houses.
- 13 no. shared ownership dwellings consisting of 6 no. 3 bedroom semi-detached houses and 7 no. 3 bedroom detached houses.
- 1 no. grant funded 3 bedroom shared ownership house and 13 affordable units consisting of 1 no. detached 3 bedroom dwelling, 7 no. 2 bedroom houses and 5 no. 3 bedroom semi detached houses. These have been designed to be compliant with Welsh Development Quality Requirements 2021 (WDQR).

The development will be accessed via the Dol y Dderwen estate road that currently terminates at its northern boundary. It will be extended into the site being to an adoptable standard with flanking footways and will form a loop within the development with a number of shared private driveways leading off to serve a number of the dwellings. The dwellings themselves will be set around the site's boundaries and estate road with a cluster of 9 dwellings located centrally within the site that will front onto the encompassing estate road. The proposal includes provision for an area of open space within the development adjacent to the access road leading into the site that will consist of a grassed attenuation basin that will form part of the Sustainable Urban Drainage (SuDS) to dispose of surface water from the development, and will be considered separately as part of a SAB application. The area around the grassed basin will be landscaped and include the provision of a new native species hedgerow along its northern boundary as well as parts of its western and eastern boundaries. The layout ensures that the surrounding properties are orientated towards this area of open space thereby providing good levels of natural surveillance.

The new dwellings along the northern boundary of the site, adjacent to the neighbouring properties of the existing Dol y Dderwen estate, will all consist of single storey bungalows to complement the design of existing properties and safeguard against any unacceptable impact by way of overlooking and loss of privacy. The two storey houses are to be located beyond these bungalows being orientated onto either the estate road or the private drives leading off this. A number of the dwellings will have the benefit of detached garages and a small outbuilding, while the external palette of finishes will consist of a mix of rendered and facing brick elevations and tiled roofs. The scale of the new dwellings are within the scale parameters approved under the outline planning permission.

The development layout includes a footpath link that will provide direct access from the new estate road to the public right of way that runs contiguous with the southern boundary of the site, pursuant to the requirements of condition no. 11 of the outline permission. Similarly, details of the proposed floor and ground levels of the development have also been provided pursuant to condition 6 of the outline permission which show localised re-profiling works to accommodate the existing change in levels across the site within the development layout. Details of the foul drainage scheme have also been submitted in respect of the part discharge of condition 5 which shows the sewage from the new dwellings being disposed to the public sewer via a connection in the existing estate road a short distance to the north of

the site. Condition 5 of the outline permission also requires the submission and approval of the surface water drainage scheme prior to the commencement of the development, however, as indicated above, this element of the scheme will require separate SAB approval from the Council whereby the condition will not be fully discharged until SAB application has been assessed and approved by the Council's SAB team.

The application has been accompanied by a detailed landscaping scheme which retains all the existing hedgerows bordering the site with the exception of small sections required to facilitate the development. The scheme includes robust planting proposals throughout the development which include the planting of new native species hedgerows, notably along the southern and part of the northern boundary 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 a mix of boundary treatment measures which include boundary fencing and facing brick walls.

It is note that no details have been submitted with the application pursuant to the discharge of conditions 7 (Construction Environmental Management Plan) and 8 (Ecological Design Scheme); these will need to be formally discharged by the applicant prior to the commencement of the development.

Planning Site History

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

PL/01794 - Non-Material Amendment to W/38125
Non-Material Amendment Granted 13 May 2021

W/38125 - Proposed development of 36 residential dwellings and associated works
Outline Planning Permission Refused 20 November 2019
Appeal Allowed 11 December 2020

D4/4214 - Siting of residential development
Withdrawn 15 July 1980

Planning Policy

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

SP1 Sustainable Places and Spaces
SP2 Climate Change
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

[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 – Has no objection subject to the imposition of appropriate conditions.

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

Llangain Community Council – Have provided the following comments on the application:

- Suggest that the public right of way adjacent to the southern boundary of the site be extinguished on the basis that pedestrian access from Church Road can be provided via an alternative emergency access route through the development. They also suggest that having a public right of way at the rear of the gardens of the new dwellings will be undesirable for potential buyers and to not distinguish it would be a mistake.
- The spare topsoil from the site should be used to reinstate a soil bank and deciduous hedging along the perimeter of the site with Church Road.
- Construction traffic should access the site via Church Road to minimise the traffic flow through Dol y Dderwen.

Local Members - County Councillors Philip Hughes and Carys Jones have not commented on the application to date. Councillor Jones is a member of the Planning Committee.

Dwr Cymru/Welsh Water – Have raised no objection and confirmed that the foul drainage scheme proposed is acceptable for the purposes of discharging condition no. 5 of the outline planning permission.

Natural Resources Wales – Have raised no objection.

Mid and West Wales Fire and Rescue Service - Have raised no objection.

Police Liaison Officer - Has 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.

Wales and West Utilities - Have raised no objection.

Public Rights of Way – Have raised no objection.

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

Summary of Public Representations

The application was the subject of notification by way of the posting of site notices and the publication of a press notice in the local newspaper. In response, 31 letters of objection have been received from neighbouring residents which raise the following issues of concern.

- The access to the development via the Dol y Dderwen estate will be detrimental to highway and pedestrian safety. Accessing the development via Church Road, which could be improved to serve the development, would be a far better solution that would also avoid unnecessary pollution, noise and disturbance in Dol y Dderwen.
- Flooding from the application site has caused problems for neighbouring residents in the past.
- The estate road in Dol y Dderwen is narrow and restricted with on-street parking making access through the estate difficult which will be worsened by the development .
- The access to the development via Llangain Cross Roads is dangerous due to restricted visibility along the B4213 and the speed of vehicles given the 40mph speed limit.
- Question whether the foul drainage in Dol y Dderwen is suitable to accommodate the development.
- Question how mains water be supplied to the development.
- Surface water drainage concerns.
- Noise, dust and disruption to existing residents from construction traffic and the development itself, and the impact upon existing residents' wellbeing.
- The proposed emergency access route to the development should be used to provide a safer more direct route to the development.
- No objection to the proposed new dwellings which is greatly needed in the village and will provide affordable housing that would encourage younger people to move into the village.
- Question the proposed use of remainder of the field enclosure wherein the site is located.
- Potential overlooking of existing bungalows bordering the site.
- The properties adjoining Dol y Dderwen should be bungalows.

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

Appraisal

Principle of the development and highway safety

The principal issue of concern raised by the respondents relates to the adequacy of the highway network to safely accommodate the additional traffic generated by the development and the potential impact upon highway and pedestrian safety. Particular reference is made to the narrowness and current levels of on street-parking in the Dol y Dderwen estate through which the site is to be accessed, as well as the lack of visibility at the junction of School Lane with the B4312. Concerns have also been raised regarding the impact of the construction traffic traveling through the estate both in terms of safety and disturbance to existing residents.

Matters relating to the vehicular access to the development through the Dol y Dderwen estate were considered by the Planning Inspector in allowing the appeal and granting outline planning permission for development following the Committee's decision to refuse the outline application. In granting planning permission, the Inspector concluded that the predicted increase in traffic from the development in the context of the size of the existing estate and village as a whole would not be significant or cause unacceptable harm to highway or pedestrian safety.

The principle of the development of 36 dwellings on the site with access via the Dol y Dderwen has therefore been established with the granting of the outline planning permission. The site is also allocated for residential development in the Council's LDP under housing allocation reference SC18/H5.

It is noteworthy that the outline permission granted by the Inspector is the subject of a condition (condition no. 10) which requires that the speed limit along the B4312 within the vicinity of its junction with School Lane be reduced from 40mph to 30mph to improve the visibility between emerging and approaching vehicles at the junction and ensure it complies with the guidance contained in Technical Advice Note 18 (Transport). The wording of the condition requires that the speed limit shall be reduced prior to the occupation of any of the new dwellings thereby providing an improved access for existing residents as well as the occupiers of the proposed development.

The concerns raised regarding the impact of construction traffic within the estate were also considered by the Planning Inspector who opined that the effects would be temporary in duration, could be controlled through suitable conditions and would not be a reason for withholding planning permission. To this end, condition no. 5 of the outline permission requires the applicant to submit a Construction Environmental Management Plan (CEMP) for approval prior to the commencement of the development which will need to include measures to control potential nuisances such as, amongst others, noise, vibration and dust as well as specifying the hours of operation. Whilst the applicant has not submitted the CEMP in support of the current application pursuant to the discharge of condition no. 5, nonetheless, it will need to be submitted and approved by officers prior to the commencement of the development of the site.

The suggestion by a number of respondents that the development should be accessed via an alternative entrance from Church Road to the east of the site was also considered and dismissed by the Planning Inspector on the basis that it would require significant upgrading works on land outside the control of the applicant, and the chosen access via the Dol y Dderwen estate would not result in any unacceptable highway or residential amenity impacts. The respondents refer to an emergency access from the development onto Church Road, however, whilst the original drawings submitted did include a reference to the same, nonetheless, this has now been removed from the application whereby the sole means of vehicular access to the development will be via the Dol y Dderwen estate.

The Head of Transport has raised no objection to the development layout proposed whereby the new dwellings will be served by an estate road built to adoptable standards with flanking footways and the level of parking provision proposed is in accordance with the Council's adopted parking standards.

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

Drainage

Welsh Water have raised no objection to the foul drainage scheme proposed whereby the sewage from the new houses will be disposed of to the existing public sewer in the estate. They have confirmed that condition no. 5 of the outline permission can be discharged in this regard. Welsh Water have also raised no objection from a water supply perspective. Whilst concerns have been raised regarding existing surface water problems within the site and that these will be exacerbated by the development, the detailed design of the surface water scheme will be assessed as part of a separate SAB application and condition no. 5 of the outline permission pursuant to the surface water drainage will not be discharged (and the development cannot therefore commence) until the scheme has been approved by the Council's SAB team.

Other matters

Turning to the comments received regarding the design of the scheme, as indicated in the description of the proposal above the five dwellings located along the northern boundary of the site adjacent to the neighbouring properties of the existing Dol y Dderwen estate will all consist of bungalows that will complement the design of existing properties. Further, their single storey design combined with separating distances of in excess of 19 metres between facing elevations, and boundary hedgerows and fencing, will ensure the development will cause no unacceptable harm to the living conditions of adjacent occupiers by way of overlooking or loss of privacy.

The Community Council's suggestion that the existing public right of way along the southern boundary of the site be extinguished as part of the development is outside the scope of the application and not material in its consideration. The applicant has complied with the requirement of condition 11 of the outline planning permission in providing a footway link from the development to this footpath and the Council's Public Rights of Way Officer has raised no objection to the proposal in this regard.

With regard to the Community Council's comments regarding the eastern boundary of the site with Church Road, the existing hedgerow flanking the road is to be retained as part of the development and the scheme will include extensive planting throughout the development that will include new native species hedgerows along its northern and southern boundaries to enhance its visual appearance in the surrounding area. The Council's Planning Ecologist and Landscape Officer have both confirmed their acceptance of the landscaping scheme proposed. It should be noted that condition no. 8 of the outline permission requires the submission of an Ecological Design Scheme (EDS) delivering biodiversity enhancements as part of the development and although this scheme has not been submitted with the application, nonetheless, it will need to be approved by officers and the condition discharged prior to the commencement of the development.

The concerns raised regarding the future use of land adjoining the application site are not relevant to the application.

Planning Obligations

The outline planning permission is the subject of a Unilateral Undertaking that will secure the following community benefits as part of the development:

1. Provide no less than a 30% proportion (11 dwellings) of affordable housing within the development.
2. A contribution of £24,000 towards the improvement of open space and /or recreational facilities in the village of Llangain.
3. A contribution of £22,000 towards the improvement of education facilities within the local primary and secondary catchment schools.

In terms of affordable housing, the provision within the development will exceed that required under the Unilateral Undertaking and will consist of 13 affordable dwellings that will be compliant with Welsh Development Quality Requirements 2021 (WDQR), 1 shared ownership dwelling that will be compliant with Welsh Development Quality Requirements 2021 (WDQR), and a further 13 shared ownership properties.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's LDP as well as those of National Planning Policy. The site has outline planning permission for 36 dwellings whereby the principle of the development is already established and it is also allocated for residential development purposes in the adopted LDP under Policy H1.

The scale of the dwellings proposed are within the parameters of the outline permission and their design and layout within the site will be in keeping with and complement the existing pattern of development in the village and the character and appearance of the surrounding area. The design, finishing materials and extensive planting proposals, together with the provision of the area of open space, will all contribute to providing a development of a high-quality design that will provide a wide range and choice of housing types and sizes that will help support and sustain the existing services and facilities in the village, including the nearby primary school. Moreover, the development will deliver a large number of affordable dwellings, exceeding that required under outline planning permission, that will contribute to meeting the housing need in the surrounding area. Further, it will be well related to existing public transport facilities, while contributing towards the improvement of the existing play facilities in the village and education facilities in the local primary and secondary catchment schools.

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. Moreover, the details submitted pursuant to the discharge of conditions 4 (reserved matters), 5 (foul water drainage), 6 (finished levels) and 11 (connection to public right of way) of the outline planning permission are considered to be acceptable for the purposes of their discharge as part of this application.

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

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The development shall begin either before the expiration of five years from the date of the outline permission to which this development relates 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 2

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

- Soft landscape proposals (1155.01 Rev C)
received on 18 January 2023
- Morris elevations render (Plots 6 and 36) (01A)
- Morris elevations brick (Plot 31) (02A)
- Morris elevations render (Plots 5, 18 and 35) (03)
- Morris elevations brick (Plot 30) (04)
- 532 floor plans (Plot 21) (208B)
- 532 elevations (Plot 21) (308A)
- 532 and 531 floor plans (plots 33 and 34) (210)
- 532 and 531 elevations (plots 33 and 34) (310)
- 311 – garage plans and elevations (03)
- 312 – shed plans and elevations (03)
- Site layout (100G)
- Materials plan (101C)
- Osborne floor plans (303B)
- Osborne elevations plan (303A)
- Morris floor plans (Plots 5, 18, 30 and 35) (01)
- Morris floor plans (Plots 6, 31 and 36) (205B)
- Hampstead floor plans (Plot 28 and 32) (01)
- Hampstead floor plans (Plots 3 and 29) (206B)

- Hampstead special elevations (309)
- Hampstead special floor plans (209)
- Hampstead elevations render (Plots 3 and 29) (01A)
- Hampstead elevations render (Plots 28 and 32) (03)
- 968 ground floor plan (Plot 26) (204B)
- 968 Floor plan (Plot 2) (01)
- 968 floor plan (Plot 1) (02)
- 968 floor plan (Plot 27) (03)
- 968 elevations plan (Plot 2) (01)
- 968 elevations plan (plot 1) (02)
- 968 elevations plan (plot 27) (03)
- 968 elevations plan (Plot 26) (304A)
- 421 Floor plans (200C)
- 421 Elevations plan (300)
- 531 Elevations plan (301)
- 531 floor plans (201D)
- 321 Floor plans (Plot 24) (01)
- 321 floor plans (Plot 25) (202E)
- 321 elevations plan (Plot 24) (01)
- 321 elevations plan (Plot 25) (302B)

received on 9 December 2022

- Engineering layout (101D)
- Highway long section (1A)
- Site sections plan (1B)
- Refuse vehicle tracking (109)
- Highway geometry and visibility (110)
- Highway construction details sheets 1-4 (1-4)
- S278 works entrance arrangement (1)

received on 22 November 2022

- Ecology Report number 1088/04 – 1st October 2020

received on 6 October 2022

- 1:1250 scale site location plan
- Arboricultural report (ArbTS_1464.2_Llangain)

received on 23 September 2022

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

Condition 3

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 interest of highway safety.

Condition 4

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.

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).