

Pecyn Dogfennau



Mark James LLM, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

DYDD LLUN, 23 HYDREF 2017

AT: HOLL AELODAU'R 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 AM 2.00 PM, DYDD MAWRTH, 31AIN HYDREF, 2017** ER
MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD
YNGHLWM

Mark James DYB

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Kevin Thomas
Ffôn (Ilinell uniongyrchol):	01267 224027
E-bost:	Democraticservices@sirgar.gov.uk
Cyf:	AD016-001

PWYLLGOR CYNLLUNIO 20 AELOD

Y GRŴP PLAID CYMRU – 10 AELOD

1. Y Cynghorydd Liam Bowen
2. Y Cynghorydd Mansel Charles Aelod o Gyngor Cymuned Llanegwad
3. Y Cynghorydd Tyssul Evans Aelod o Gyngor Cymuned Llangyndeyrn
4. Y Cynghorydd Jeanette Gilasbey Aelod o Gyngor Tref Cydweli
5. Y Cynghorydd Ken Howell
6. Y Cynghorydd Carys Jones
7. Y Cynghorydd Alun Lenny Aelod o Gyngor Tref Caerfyrddin
(Cadeirydd)
8. Y Cynghorydd Jean Lewis
9. Y Cynghorydd Gareth Thomas
10. Y Cynghorydd Eirwyn Williams

Y GRŴP LLAFUR – 6 AELOD

1. Y Cynghorydd Suzy Curry
2. Y Cynghorydd Penny Edwards
3. Y Cynghorydd John James Aelod o Gyngor Tref Pen-bre a Phorth Tywyn
4. Y Cynghorydd Dot Jones Aelod o Gyngor Cymuned Llannon
5. Y Cynghorydd Ken Lloyd Aelod o Gyngor Tref Caerfyrddin
6. Y Cynghorydd Kevin Madge Aelod o Gyngor Tref Cwmaman

Y GRŴP ANNIBYNNOL – 4 AELOD

1. Y Cynghorydd Sue Allen Aelod o Gyngor Tref Hendy-Gwyn
2. Y Cynghorydd Ieuan Davies
3. Y Cynghorydd Joseph Davies
4. Y Cynghorydd Irfon Jones (Is-Cadeirydd) Aelod o Gyngor Cymuned Bronwydd

Aelod Lleol a gwahoddir i fynychu'r cyfarfod:-

- Eitem 3.3 – Cyngorwyr P.M. Edwards a J.S. Phillips
- Eitem 3.4 – Cyngorydd T. Higgins

NI CHANIATEIR EILYDDION MEWN CYFARFODYDD O'R PWYLLGOR YMA

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGAN BUDDIANNAU PERSONOL
3. YSTRIED ADRODDIADAU'R PENNAETH CYNLLUNIO
YNGHYLCH Y CEISIADAU CYNLLUNIO CANLYNOL [YR
YMWELODD Y PWYLLGOR A'U SAFLEOEDD YN FLAENOROL] A
PHENDERFYNU AR Y CEISIADAU
 - 3.1 S/35875 - DATBLYGIAD PRESWYL - CAIS CYNLLUNIO 5 - 16
AMLINELL AR GYFER 3 O BRESWYLFYDD AR WAHÂN
(AILGYFLWYNO CAIS S/33484 - GWRTHODWYD YR APÊL
AR 25/11/16) AR DIR GER HEN SOAR FACH, HEOL
MYNACHLOG, PONTYBEREM, LLANELLI, SA15 5EY
 - 3.2 S/35189 - LLEOLI DAU DY AR WAHÂN AR DIR AR SAFLE 17 - 26
HEN FELIN GOED CWMBLAWD, HEOL LLANNON,
PONTYBEREM, LLANELLI, SA15 5NB
 - 3.3 S/35791 - CODI PRESWYLFFA NEWYDD, TIR YN 7 HEOL Y 27 - 34
PWLL, Y PWLL, LLANELLI SA15 4BG
 - 3.4 S/36018 - ADDASU AC EHANGU'R YSGUBOR I GREU 35 - 40
RHANDY PRESWYL I AELODAU TEULU'R BRESWYLFFA
GYFAGOS, LLWYN Y RHOS, HEOL COOPERS,
RHYDAMAN, SA18 3SH
4. RHANBARTH Y DE - PENDERFYNU AR GEISIADAU CYNLLUNIO 41 - 52
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CYNLLUNIO

Mae'r dudalen hon yn wag yn fwriadol

Application No	S/35875
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Application Type	Outline
Proposal & Location	RESIDENTIAL DEVELOPMENT - REVISED OUTLINE PLANNING FOR 3 DETACHED DWELLINGS (RESUBMISSION OF S/33484 - APPEAL REFUSED 25/11/16) AT LAND ADJACENT TO, HEN SOAR FACH, MYNACHLOG ROAD, PONTYBEREM, LLANELLI, SA15 5EY

Applicant(s)	JEFF THOMAS, 17 PARC Y MYNACH, PONTYBEREM, CARMARTHENSHIRE,
Agent	PRIME ARCHITECTURE LTD - CELLAN JONES, UNIT 4, 3 LLANDEILO ROAD, CROSS HANDS, LLANELLI, SA14 6NA
Case Officer	Gary Glenister
Ward	Pontyberem
Date of validation	25/07/2017

CONSULTEES

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

Pontyberem Community Council – Has not commented to date.

Local Members - County Councillor Liam Bowen is a member of the Planning Committee and has made no prior comment.

Natural Resources Wales – States that the Afon Berem as it is classed as a minor watercourse, however there is no objection subject to the imposition of an appropriate condition requiring a method statement for site clearance.

Dwr Cymru/Welsh Water - Foul and surface water discharge must be drained separately from the site and no surface water drainage shall be allowed to connect to the public sewer.

Neighbours/Public - The application has been publicised by the posting of two Site Notices and 3 No. responses have been received as a result raising the following matters:

- Highway Safety
 - Traffic generation
 - Queries of Parking – Will residents parking be grass? Will residents be charged for parking?

- Access visibility
- There should be a “One Way” system
- Road alignment
- Privacy / Amenity
- Human Rights Act.
- Trees / Biodiversity
- Sewerage/Drainage
- Ground Stability

RELEVANT PLANNING HISTORY

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

S/33484	The construction of a detached three bed bungalow and two three bed detached units. Outline Refused Appeal Dismissed	6 May 2016 25 November 2016.
D5/3888	Residential Development Outline Granted	17 May 1979
D5/1507	Residential Development Outline Granted	26 April 1976

APPRAISAL

THE SITE

The site is a 0.18ha linear parcel of land running along Mynychlog Road, opposite an estate known as Parc y Mynach. The land has several garages and outbuildings present on the site and there is a vehicular access to serve them.

The site has a road frontage of approximately 70m and lies below the level of the road and falls away towards a water course known as Afon Berem at the rear which is in a deep cutting. There is a well established hedge along most of the road frontage, but most of the site which is not developed is laid to grass.

There is a converted chapel to the north east which is in residential use and a bungalow to the south west beyond which a terrace of houses is under construction. There are four houses opposite set at a significantly higher ground level overlooking the site and they have no rear access which would allow off street parking.

The site is accessed via a single track road, however it should be noted that it widens along part of the road frontage and is used as the sole and unrestricted parking area for the four houses opposite.

A similar proposal was refused under delegated powers in 2016. The applicants went to appeal and this was dismissed on the grounds of highway safety. The applicants have subsequently amended the scheme to address the issues on which it was refused / dismissed. In particular, the provision of car parking for local residents is considered to be a significant highway safety improvement.

The other issues for refusal / dismissal were related to lack of information in respect of ecology, however this has been addressed through the submission of further information with this application.

The appeal submission included a legal agreement for affordable housing to satisfy the requirements of Policy AH1. It is noted that in this area, the requirement is £51.35 per square metre internal floor area.

THE PROPOSAL

The application seeks outline planning permission with all matters reserved. An indicative plan shows a detached bungalow and two detached houses on the site along with a parking area for the residents of the houses opposite the site.

Three individual accesses are proposed to serve the three units and a further access for the parking area which replaces the current access to the garages. The indicative plan also shows a 1.8m highway improvement line to allow the formation of a pavement.

Cross sections have been submitted showing the sloping nature of the site and the amount of ground works that are necessary.

The application has been accompanied by ecological reports as requested previously, given the location adjacent to the stream and the presence of garages on the site which will have to be demolished.

Given the linear nature of the site and the 7m buffer zone along the river, the usable garden area to the rear of the units is relatively modest. However it is noted that there are side parking / garden areas and the total amenity area is considered to be acceptable albeit no development including fencing can be built within the buffer zone to the rear as it would need to be kept clear of all development. The appeal inspector did not dismiss the proposal on the basis of the general layout that was similar, therefore it is considered to be acceptable.

PLANNING POLICY

In the context of the current development control policy framework the site is within the settlement development limits of Pontyberem as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

Policy GP1 Sustainability and High Quality Design states.

Development proposals will be permitted where they accord with the following:

- a) **It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;**
- b) **It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c) **Utilises materials appropriate to the area within which it is located;**

- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- f) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- g) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- h) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- i) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- j) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Policy AH1 Affordable Housing states:

A contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub-market areas.

Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

On Site Contributions

The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above.

Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.

Commuted Sums

Where an open market residential site falls below the above thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m).

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 November 2016 and TAN12: Design (2016)).

Policy TR3 Highways in Developments - Design Considerations states

The design and layout of all development proposals will, where appropriate, be required to include:

- a) **An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;**
- b) **Suitable provision for access by public transport;**
- c) **Appropriate parking and where applicable, servicing space in accordance with required standards;**
- d) **Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;**
- e) **Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;**
- f) **Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.**

Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EQ4 Biodiversity states

Proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that:

- a) The impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements;**
- b) There are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.**

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance.

Paragraph 4.11.1 states: “Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings“

Paragraph 4.11.2 states “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:”

Paragraph 4.11.3 states “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 states “The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) states:

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

THIRD PARTY REPRESENTATIONS

Highway safety is of concern given the narrowness of the road and existing parking. The road is narrow and there is currently on street parking for four dwellings along the road frontage. The applicant went to appeal on the previous scheme and lost, so has amended the scheme with the inclusion of a residents parking area and a highway improvement line. This is considered to be a significant improvement over the previous scheme and is a material consideration.

Queries have been raised over the residents parking area. It is agreed that if grassed, there may be difficulty given the sloping nature of the land. The applicant has stated that it is intended to use block paving which would allow for a hard standing parking area. The Head of Transport has recommended a condition seeking full details to be submitted of the parking area, that it is formed prior to commencement of other development and that it is retained in perpetuity.

The calls for a one way system are impractical given the alternative route would be via a residential housing estate. Any increase in traffic is not therefore considered desirable. The proposal includes measures that would remove on street parking and therefore allow realignment to allow vehicles to pass along the site frontage. This is in itself a highway safety improvement.

Privacy / Amenity is of concern as there are houses opposite. It is however noted that the properties opposite are elevated compared with the proposal so it is likely that given the ground levels, the existing houses would overlook the site rather than vice versa. Given the differences in levels and separation distances, the proposal is not likely to have an unacceptable adverse impact on third parties.

The Human Rights Act is addressed as the impact on amenity is assessed as part of the planning process. In this case, the impact is not considered likely to be unacceptable.

Trees along the watercourse are within the buffer zone so are not likely to be affected.

Sewerage/Drainage has been assessed by Welsh Water who do not have any adverse comments.

Ground Stability is of a concern to third parties given the houses opposite are at a higher level and there is fear that excavating below will destabilise the land. There is however a reasonable separation distance with a road between. It is noted that the site is primarily outside the high risk consultation zone for coal mining – only part of the undevelopable buffer zone along the stream lies are within, however this needs to be left undisturbed. Any damage to third party property is a private matter which would need to be addressed by the applicant.

CONCLUSION

The site is within the settlement limits of Pontyberem so the principle of development is acceptable provided all other material considerations can be met. Planning permission was refused in 2016 and the site was subject to an appeal. The applicant has addressed the issues that led to the previous application being refused and appeal dismissed, so it is considered to be acceptable infilling within the village, subject to the applicant entering into a legal agreement for the affordable housing contribution. In this case, the contribution would be £51.35 per square metre internal floor area. The recommendation is therefore seeking a resolution to approve subject to an acceptable legal agreement being signed.

On balance, the applicant has demonstrated that the site can be developed without detriment to highway and pedestrian safety and the amenities of third parties. Therefore the application is recommended for approval subject to the Section 106 Agreement.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and

the development must be commenced not later than whichever is the later of the following:-

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

- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 Development shall not commence until detailed plans of the layout, appearance and landscaping of the development, together with the means of access thereto, have been submitted to and been approved in writing by the Local Planning Authority.
- 4 The land subject to this permission is as identified on the amended 1:500 and 1:1250 scale Block and Location plan (04) dated 15 September.
- 5 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the near edge of carriageway.
- 6 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 Mynachlog Road (U2275) frontage within 2.4 metres of the near edge of the carriageway.
- 7 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the resident parking area, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to commencement of any other part of the development and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 8 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 plots 1-3, 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.
- 9 Prior to the commencement of any part of the development herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the Mynachlog Road (U2275) and connect with the existing footway to the south. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.
- 10 Any reserved matters application shall be accompanied by a method statement requiring the sensitive clearance of any vegetation, and replacement planting to ensure habitat availability and the continuity of the habitat corridor along the river.
- 11 The trees/hedgerow around the application site's boundary shall be protected for the duration of the construction period following guidelines in BS5837 2005 (Trees in relation to construction) as follows and shall thereafter be retained in perpetuity:

- An exclusion zone is to be identified by the Authority and agreed in writing **prior** to start of works.
- Any arboricultural works that are required in pursuance of given planning permission eg. to form access way etc - to be undertaken by suitably qualified professionals before the erection of protective barriers.
- Following any necessary arboricultural works all trees to be retained to be protected by permanent non moveable barriers. In light of previous experience with chestnut paling the barriers should consist of 2.9 m scaffolding poles sunk 0.6 metres into the ground. Steel mesh should then be secured to the scaffold frame to adequately shield the trees from machinery.
- The protective barrier is to remain until written permission is given by this Authority for its removal.
- Absolutely no materials are to be stored at any time within the agreed exclusion zone.
- Arboricultural works and erection of protective barriers is to be supervised /inspected prior to start of any development

12 A minimum buffer strip of 7 metres must remain undisturbed between any development activity and the bank of the water course. The buffer zone shall be without structures, hard standings, footpaths, fences, overhanging development or formal landscaping.

13 Any reserved matters application shall be accompanied by full details of external wall and roof materials along with means of enclosure.

REASONS

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

2 The application is in outline only.

3,4,

13 In the interests of visual amenity.

5-9 In the interests of highway safety.

10-12 In the interests of biodiversity.

REASONS FOR GRANTING PLANNING PERMISSION

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, GP1, GP2 & H2 of the LDP in that it is sensitive infilling within the settlement development limits which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.

The proposed development complies with Policies TR2 & TR3 in that the proposal is not likely to be detrimental to highway safety.

The proposed development complies with Policy AH1 in that the applicant has agreed to enter into a Section 106 agreement to provide an affordable housing contribution.

NOTES

- 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 if 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.

- 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)
- 3 The applicant/developer's attention is drawn to the requirement to enter into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £51.35 per square metre internal floor area.

Mae'r dudalen hon yn wag yn fwriadol

Application No	S/35189
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Application Type	Outline
Proposal & Location	SITING OF TWO DETACHED DWELLING HOUSES AT LAND AT FORMER CWMBLAWD SAWMILLS, LLANNON ROAD, PONTYBEREM, LLANELLI, SA15 5NB

Applicant(s)	MR DHA LEWIS, 17A HEOL Y BRYN, PONTYBEREM, LLANELLI, CARMARTHENSHIRE, SA15 5AG
Agent	SAURO ARCHITECTURAL DESIGN LTD - MR PETER SAURO, 9 ELLISTON TERRACE, CARMARTHEN, SA31 1HA
Case Officer	Gary Glenister
Ward	Pontyberem
Date of validation	27/02/2017

CONSULTATION

Head of Transport – Recommends refusal on the grounds of highway safety.

Pontyberem Community Council – has not commented on the application to date.

Local Members – (Former) County Councillor JS Williams was a member of the Planning Committee. She asked for the application to be considered at Committee and subsequently supported it as the land has been maintained by the family since the mill closed and there is historic permission for a dwelling.

Dwr Cymru / Welsh Water – states that there is no mains sewerage so details of drainage should be submitted prior to commencement of development.

Neighbours/Public – Four neighbouring properties have been consulted on the original submission and site notices posted as part of a departure re-consultation, with no responses received to date.

RELEVANT PLANNING HISTORY

The following applications have been received on the application site.

D5/14103	Two Houses Outline Planning Permission Refused	30 September 1991
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APPRAISAL

The application was originally reported to Planning Committee on the 6th April 2017. Planning Committee deferred the determination and carried out a Site Visit on the 19th April 2017. After visiting the site, Committee ***“RESOLVED that consideration of planning application S/35189 be deferred to enable discussions to take place with the applicant on the policy requirement that a financial contribution be forthcoming towards the provision of affordable housing.”***

As the proposal is contrary to the Local Development Plan, the application has been re-advertised as a departure post Committee.

Whilst the applicant has agreed to make a contribution towards affordable housing, the proposal is still considered to be unjustified development in the open countryside and detrimental to highway and pedestrian safety so the original recommendation remains.

Given the new constitution of the Committee post election, there is no quorum of Members who considered the proposal originally, therefore the proposal is being reported back for determination with a recommendation to refuse as set out below.

THE SITE

The application site is strip of land with a road frontage of approximately 39m and an average depth of 23m. The site is outside the development limits of Pontyberem, however it is noted that there is a cluster of 7 houses opposite to the south.

The site is a former sawmill, however any commercial use has long since been abandoned. The remains of the sawmill is evident with some of the wall structure still in place. The owner has maintained the site in a good condition.

The site has also been subject to permission for a single dwelling prior to the First World War and the applicant has the original plans for the site. Undulations on part of the site are said to be evidence of commencement in the form of foundation trenches. The undulations are broadly consistent with the location of the previously approved dwelling, however it is not known when any works were undertaken. If foundations were dug over 100 years ago as suggested, they have collapsed and infilled over time with no development having taken place, therefore it is argued that the permission has been abandoned in planning terms.

More recently, planning permission was refused in 1989 and 1991 for two dwellings on the basis of its location in open countryside and highway safety.

THE PROPOSAL

The application seeks outline planning permission to establish the principle of two dwellings on the site in place of the former commercial use. The site is proposed to be laid out with two storey houses addressing the highway with modest rear gardens and a joint access to the east of the site with parking & garages and turning to the front for each property.

No justification has been submitted in terms of affordable / local need or rural enterprise. The proposal therefore seeks two market houses in the open countryside.

The applicant has submitted a unilateral undertaking in respect of the affordable housing contribution. This would be calculated on the basis of the internal floor area as required by Policy AH1.

PLANNING POLICIES

In the context of the current development control policy framework the site is outside the settlement development limits of Pontyberem as defined in the Carmarthenshire Local Development Plan (LDP) Adopted July 2006.

Policy SP1 Sustainable Places and Spaces states:

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a) Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;**
- b) Promoting, where appropriate, the efficient use of land including previously developed sites;**
- c) Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- d) Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- e) Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;**
- f) Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**
- g) Utilising sustainable construction methods where feasible;**
- h) Improving social and economic wellbeing;**
- i) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

Policy GP1 Sustainability and High Quality Design states:

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;**
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c) Utilises materials appropriate to the area within which it is located;**
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;**
- e) Includes an integrated mixture of uses appropriate to the scale of the development;**
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and**

hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;

- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

Policy GP2 Development Limits states:

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework.

Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance.

Paragraph 4.11.1 states: "Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings"

Paragraph 4.11.2 states "Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:"

Paragraph 4.11.3 states “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 states “The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Paragraph 2.2 of Technical Advice Note 12 Design (2016) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2016) states:

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

CONCLUSION

After careful consideration of the site and its surrounding environs, it is considered that whilst there is evidence of a former commercial use and history of permission, both have long since been lost through the passage of time, therefore the proposal is unjustified new residential development in the open countryside. Local and National planning policy

directs development to sustainable communities, and there is a general presumption against development in the open countryside.

It is noted that there are houses opposite, however this is not considered to be a sustainable community and merely forms a cluster of rural dwellings without a defined settlement development limit. The general approach adopted in the LDP is to exclude such outlying clusters and confine development limits to sustainable settlements. In this case, the site is 0.7km from the closest part of Pontyberem, and 1.7km from its centre, with no bus stops or pedestrian facilities evident between the site and the village, therefore it is not considered to be in a sustainable location.

In terms of the site specific considerations, an indicative plan has been submitted which shows an indication of two dwellings. It is considered that there is insufficient private amenity space to the rear to serve the dwellings as shown. Notwithstanding the fact that this application merely seeks to establish the principle of development, it is considered that the site is of insufficient dimensions to accommodate two dwellings as shown.

On balance, the proposal is not considered to be in accordance with the above policies and therefore is recommended for refusal.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy SP1 of the Carmarthenshire Local Development Plan.

Policy SP1 Sustainable Places and Spaces states:

Proposals for development will be supported where they reflect sustainable development and design principles by:-

- a) **Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;**
- b) **Promoting, where appropriate, the efficient use of land including previously developed sites;**
- c) **Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- d) **Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- e) **Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;**
- f) **Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**
- g) **Utilising sustainable construction methods where feasible;**
- h) **Improving social and economic wellbeing;**
- i) **Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

In that the site is in a location which is not served by public transport or pedestrian facilities, and is therefore wholly reliant on the private car. The site is not therefore considered to be in a sustainable location.

2 The proposal is contrary to Policy GP1 of the Carmarthenshire Local Development Plan.

Policy GP1 Sustainability and High Quality Design

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

In that the site is not of sufficient size to accommodate the two houses along with parking, turning and an adequate rear garden area as shown on the indicative plan.

- 3 The proposal is contrary to Policy GP2 of the Carmarthenshire Local Development Plan.

Policy GP2 Development Limits

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework.

Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

In that the proposed development is unjustified development outside the settlement development limits of Pontyberem as defined in the adopted Local Development Plan. The proposal would therefore constitute inappropriate and unsustainable development in the open countryside.

- 4 The proposal is contrary to Policy TR3 of the Carmarthenshire Local Development Plan.

Policy TR3 Highways in Developments - Design Considerations

The design and layout of all development proposals will, where appropriate, be required to include:

- a) **An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;**
- b) **Suitable provision for access by public transport;**
- c) **Appropriate parking and where applicable, servicing space in accordance with required standards;**
- d) **Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;**
- e) **Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;**
- f) **Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.**

Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

In that

- it appears impracticable to construct an access within the curtilage of the site which would provide sufficient visibility for vehicles emerging onto the county road.
- the proposed development would lead to increased pedestrian movements along a section of road with no pedestrian facilities.

Mae'r dudalen hon yn wag yn fwriadol

Application No	S/35791
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Application Type	Full Planning
Proposal & Location	ERECT NEW DWELLING AT LAND AT, 7 PWLL ROAD, PWLL, LLANELLI, SA15 4BG

Applicant(s)	MR TERRY WILLIAMS, 8 ST ILLTYDS RISE, PEMBREY, LLANELLI, SA16 0YY
Agent	,
Case Officer	Paul Roberts
Ward	Hengoed
Date of validation	07/07/2017

CONSULTATIONS

Local Members – County Councillor P Edwards is a member of the Planning Committee and has not commented on the application. County Councillor J S Phillips has also not commented on the application to date.

Community Council – Llanelli Rural Council have objected to the application on the following basis :

- The site is not of sufficient size to accommodate a new dwelling.
- There is not a sufficient amount of general amenity space required of the enjoyment of the new dwelling.
- The close proximity of the proposed dwelling to the neighbouring property of no. 9A Pwll Road is likely to have a detrimental impact upon the amenity and privacy of this dwelling.
- Vehicular access to the dwelling is likely to have a detrimental impact upon highway safety.

Head of Transport – Has raised no objection to the application.

Welsh Water/Dwr Cymru – Have raised no objection to the application.

Wales and West Utilities – Have raised no objection to the application.

Neighbours/Public – The neighbouring properties within the vicinity of the site have been notified of the application. In response, four letters of representation have been received from neighbouring residents who object to the proposal and raise the following concerns :

- The lack of parking to the front of the site and neighbouring properties.
- Increased traffic along the lane to the rear of the site which is narrow with no passing or turning places and difficult to manoeuvre.
- Poor visibility at the junction of the rear lane with Elgin Road and the impact upon highway and pedestrian safety.
- Adverse effect on volume of traffic using Elgin Road and the lane to the rear of the site.
- Potential future proposal for a further dwelling in the garden of the application property, no. 7 Pwll Road, which will add further traffic along Elgin Road and the lane at the rear of the site.
- Damage caused to neighbouring properties by construction vehicles using the lane to the rear of the site.
- Proximity of the proposed house to the living room windows of a neighbouring property and the resulting loss of light.
- Potential structural damage to neighbouring properties.
- The house will look ‘squashed’ into the site.
- The proposal to raise parts of the rear garden with gabion baskets will be intrusive and impact upon current privacy levels.
- Lack of parking spaces along Pwll Road.
- Sewerage infrastructure is at full capacity.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

THE SITE

The application site consists of a rectangular parcel of land located on the northern flank of Pwll Road in Pwll. It consists of a grassed area that forms part of the side and rear garden of the detached property of No 7 Pwll Road and has a road frontage and depth of 7.6 metres and 50 metres respectively.

The site is elevated above the roadway and fronted by a high stone wall. The front of the site is relatively level while the remainder rises gradually towards its rear boundary which adjoins a narrow access lane that provides rear access to a number of neighbouring properties to the side and rear of the site. The western side boundary of the site consists of a mix of hedgerow and timber fencing and its eastern boundary with No 7 Pwll Road currently is currently open having no defined feature. There is a hedgerow along its rear boundary with the access lane which has been partly removed.

The surrounding area is primarily residential in character consisting of a mix of dwelling sizes which generally have long rear garden spaces. The site is flanked on either side by detached houses. The neighbouring properties have the benefit of on street parking areas along Pwll Road while a number have driveways as well as rear parking facilities that are accessed via the rear lane.

THE PROPOSAL

The application seeks full planning permission for the erection of a detached dwelling on the application site. The proposal will consist of a two storey three bedroom house that will be sited between the neighbouring houses and front onto Pwll Road. The house is to be sited at a comparable depth to the neighbouring house of No 7 Pwll Road and is to have a hipped roof to its front elevation and gable to the rear. Its front elevation will be characterised by a bay window feature while the principal access to the house will be via a single storey porch projection on its western elevation. Elevational treatments will consist of render and facing brick work and the roof is to be clad in grey tiles.

The finished floor level of the dwelling is to be comparable with the existing ground level and that of the adjacent house of No 7 Pwll Road. The house will be set at a lower level than the other adjacent property, No 9A Pwll Road. The rear garden is to be retained at its existing level while a new pedestrian access is to be provided from the house down to the footway flanking Pwll Road. The new house will utilise the existing on street parking area provided to the front of the site and neighbouring properties along Pwll Road.

It is of note that the original scheme submitted with the application included the creation of a new parking area at the end of the rear garden of the property which was to be accessed via the rear lane. This proposal involved the creation of tiered levels and stepped features in the rear garden to allow access from the parking area to the house. However, the Head of Transport raised concerns regarding the rear parking area in that the visibility of vehicles egressing the rear lane onto Elgin Road is substandard and the additional vehicular movements would be detrimental to highway safety. As a result, the applicant subsequently amended the application to that described above whereby the rear parking area and tiered garden levels have been omitted from the application and the occupiers of the new house will utilise the existing on street parking area along Pwll Road.

PLANNING POLICY

In the context of the current development control policy framework the site is located within the development limits of Llanelli as defined in the Carmarthenshire Local Development Plan (LDP). The following policies of the Plan are relevant to the proposal.

Policy SP1 promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy GP2 requires that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites.

Policy H2 permits proposals for smaller housing developments on unallocated sites within the development limits of a defined settlement provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy GP4 states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land. Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

THIRD PARTY LETTERS OF REPRESENTATION

A number of letters of objection have been received from neighbouring residents in respect of the proposal and Llanelli Rural Council have also raised concerns regarding the application. The principal issues relating to the application are addressed in the following appraisal.

A common ground of concern amongst the respondents is the likely increased vehicular use of the lane at the rear of the site given its restricted width and the poor visibility at its junction with Elgin Road. However, as noted above the scheme has since been amended to omit this rear parking area upon the advice of the Head of Transport thereby ensuring there will be no unacceptable highway impacts upon the lane and Elgin Road.

A number of respondents have opined that there is a lack of parking spaces available along Pwll Road to the front of the site and neighbouring properties and this will be worsened by the proposal. The width of the carriageway of Pwll Road has allowed the provision of on street parking areas along the roadway which are used by local residents while others have the benefit of driveways and rear parking facilities. The Head of Transport is satisfied that the use of these parking areas by the occupiers of the new dwelling will cause no detriment to highway safety along Pwll Road. The proposal is therefore considered to be in accord with the requirements of policies GP1 and TR3 of the LDP in terms of its likely highway impact.

Turning to the concerns regarding visual impact of the proposal, the modest size of the dwelling combined with its general layout and design will mean that it will not be at odds with the spatial character and appearance of the surrounding street scene. Moreover, the new dwelling will have the benefit of a long rear garden space similar to neighbouring properties. The siting and design of the dwelling and separating distance to adjacent properties will also safeguard against any unacceptable impacts in terms of loss of light or privacy. Concerns regarding the proposed change in levels in the rear garden

space are no longer relevant to the proposal in that the application has been amended to omit this element of the scheme. The proposal is therefore in accord with the objectives of policies GP1 and H2 of the LDP in terms of its likely visual and amenity impacts.

Concerns regarding potential damage to neighbouring properties are a civil matter and outside the scope of planning control. As to concerns regarding proposals for a further dwelling in the garden of the existing property, no application has been received and, in any event, all applications received are considered on their own merits. Comments received regarding the capacity of the sewerage system are unfounded in that Welsh Water have raised no objection to the application.

CONCLUSION

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the proposal is considered to represent an acceptable form of residential development that will be in keeping with and complement the general character and appearance of the surrounding area. The site is located within the development limits of Pwll and its development complies with the key policy and sustainability objectives of both the Authority's LDP and National Planning Policy.

The general scale, design and spatial layout of the dwelling are acceptable and combined with the pallet of external finishes will provide a development that will respond well to the site's setting in the wider area. Moreover, it will be well related to the existing services and facilities in the village as well as being within easy access of existing public transport facilities. The proposal will also make a positive contribution towards the provision of affordable housing in the locality whereby the applicant will be required to make a commuted payment towards the same under the requirements of Policy AH1 of the LDP.

Furthermore, there are no amenity, highway or public service objections to the development.

Based on the foregoing, the application is put forward with a favourable recommendation subject to the applicant entering into a unilateral undertaking or Section 106 agreement securing a commuted payment towards affordable housing.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced no later than the 5 years from the date of this permission.

- 2 The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans :
 - 1:1250 and 1:500 scale location and block plan received on 5 October 2017.
 - 1:200 scale site layout plan (PR/007) received on 5 October 2017.
 - 1:200 scale site sections (PR/008) received on 5 October 2017.
 - 1:100 scale elevations (PR006) received on 25 May 2017.
 - 1:100 scale front elevation (PR/005) received on 25 May 2017.

- 1:50 scale proposed roof space (PR/004) received on 25 May 2017.
- 1:50 scale proposed ground floor plan (PR/002) received on 25 May 2017.
- 1:50 scale proposed first floor plan (PR/003) received on 25 May 2017.

- 3 There shall at no time be any vehicular access to the site from the existing lane to the rear (north) of the application site.
- 4 The first floor window proposed in the western side elevation of the dwelling hereby approved shall be glazed in obscure glass and shall be so maintained thereafter in perpetuity.
- 5 Prior to the commencement of the development hereby approved details of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6 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 as part of the development shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the dwelling is occupied.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3 In the interests of highway safety.
- 4 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties
- 5 &
- 6 In the interests of visual amenity.

NOTE(S)

- 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.

- 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).
- 3 The developer/applicant's attention is drawn to the terms of the Unilateral Undertaking under Section 106 of the Town and Country Planning Act which sets out the agreement to make a contribution of £8092.24 towards the provision of affordable housing.

Mae'r dudalen hon yn wag yn fwriadol

Application No	S/36018
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Application Type	Full Planning
Proposal & Location	CONVERSION AND EXTENSION OF BARN TO FORM A RESIDENTIAL ANNEXE FOR FAMILY MEMBERS OF ADJOINING DWELLINGHOUSE AT LLWYNY RHOS, COOPERS ROAD, AMMANFORD, SA18 3SH

Applicant(s)	MR A & EDAVIES, LLWYN Y RHOS, COOPERS ROAD, TYCROES, AMMANFORD, SA18 3SH
Agent	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
Case Officer	Paul Roberts
Ward	Tycroes
Date of validation	29/08/2017

CONSULTATIONS

Local Member – County Councillor T Higgins has asked that the application be referred to the Planning Committee for determination if officers are minded to refuse the application. The reasons for the request are:

- The annexe is to accommodate an elderly family member and will be ancillary to the main house.
- The increase in the roof space of the original barn is intended to provide an attic workshop and playroom and roof is to be set below the roof level of the main house.
- The site is in an isolated position several hundred metres off Coopers Road where there are no neighbouring properties in close proximity and no public rights of way running near the property.
- The roof height will not pose any detriment to the setting of the landscape as it appears to be part of the farm buildings.

County Councillor T Higgins has asked that the Planning Committee undertake a site visit to fully consider the proposal.

Llanedi community Council – Have not commented on the application to date.

Neighbours/Public – The application has been publicised with the posting of a site notice at the entrance to the site. In response, no third party letters of representation have been received to date.

RELEVANT PLANNING HISTORY

S/35553	Conversion and extension of barn to form a residential annexe for family members of adjoining dwellinghouse. Planning permission refused	14 July 2017
S/26588	Proposed barn conversion to holiday let Planning permission refused Appeal upheld	9 July 2012 11 April 2013

APPRAISAL

This application has been submitted following an investigation/action undertaken by the Authority's planning enforcement team.

THE SITE

The application site consists of the curtilage of a detached dwelling and disused barn located in a countryside location to the south of Capel Hendre. The barn is located close to the rear elevation of the dwelling being separated from the same by an access track that serves the site. The track is largely unmade and extends over some 500 metres eventually egressing onto Coopers Road to the east.

The original barn structure is of a single storey design and consists of thick random stone walling. It covers a floor area of 13.8 metres by 5.5 metres and previously had a small lean-to extension on its rear elevation. Its front elevation is characterised by a number of window and door openings which are set immediately below the eaves level of the building.

Works have commenced on converting the building to habitable accommodation which includes raising the eaves level of the building with new block work while new roof trusses have also been erected on the building. The original rear lean-to extension has been replaced with a larger lean-to extension which is partly completed and has a mix of stone and facing brick elevations.

The area around the barn consists of a mix of a loose gravel surface and overgrown grassed areas with the former being used for parking purposes in association with the neighbouring dwelling.

THE PROPOSAL

The application seeks partly retrospective permission for the conversion and extension of the original barn to a residential annexe to be used as ancillary accommodation in association with the adjacent dwelling.

By way of background to the application, the applicant previously submitted an application to convert the barn to holiday let accommodation which was refused by the Authority back in July 2012. Planning application S/26588 refers. The application was refused on the basis that the applicant had failed to provide sufficient information to demonstrate that the building was structurally sound and could therefore be converted without extensive rebuilding works. The applicant appealed the decision and was subsequently granted planning permission in April 2013.

The approved scheme reflects the scale and form of the original barn and provides ground floor holiday let accommodation which incorporates two bedrooms. The eaves and ridge heights of the barn are maintained at their original levels while the rear lean-to extension was also to be retained as part of the scheme albeit with a small extension to provide a porch area to the building. The design of the scheme is reflective of the Authority's policy requirement of ensuring that conversion schemes retain the character and appearance of the original building without extensive rebuilding or alterations.

The works undertaken by the applicant on the conversion of the barn go beyond those permitted under the planning permission whereby the eaves and ridge levels of the building have been increased in height and the rear lean-to projection has been demolished and replaced with a new larger extension. The eaves heights of the building have been raised by 1.6 metres above those of the approved scheme with block work walling that is to be clad externally with stonework. The ridge height is set at 6.7metres in contrast 4.2 metre height of the permission granted. The rear extension added to the barn measures 5 metres in depth by 9 metres in width in contrast to the smaller extension approved which measured 2.5 metres in depth and 5 metres in width.

The application seeks permission to retain these alterations to the design of the barn as well as changing its intended use to a residential annexe to be used in association with the adjacent dwelling. The supporting information indicates that the applicant intends to occupy the main dwelling house and the converted annexe is to be used as an annexe by his elderly disabled father. The annexe is shown to include a lounge and bedroom on the ground floor of the barn and a further sun room and disabled bathroom in the new rear extension. The first floor of the building is to be accessed via a pull down ladder and utilised as a domestic workshop and play room.

It is of note that the applicant has previously submitted an application to retain the alterations to the barn and change its use to an annexe under planning S/35553. This application was refused in July of this year on the basis that extensions resulted in an incongruous form of development that was harmful to the original character and appearance of the barn and the surrounding rural area. The current application is a resubmission of this previous application.

PLANNING POLICIES

In the context of the Authority's current Development Plan the application site is located in the countryside outside the development limits of settlements defined in the Local Development Plan. The following policies are of relevance to the proposal.

Policy GP1 is a general policy which, amongst others, promotes sustainability and high quality design, and seeks to ensure that development proposals conform with and enhance the character and appearance of the site, building or area in terms of siting,

appearance, scale, height, massing, elevation treatment and detailing. Developments should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

Policy SP1 supports development proposals where they reflect sustainable development and design principles by, amongst others, respecting, reflecting and, where possible, enhancing local character and distinctiveness.

THIRD PARTY REPRESENTATIONS

No third party letters of representation have been received to date in respect of the application. The application is presented to Committee in response to a request received from the local member for the ward, County Councillor T Higgins, who supports the proposal.

CONCLUSIONS

The main issue in the determination of the application is the visual impact of the extensions and alterations to the barn upon its original character and appearance in the surrounding rural area.

The original barn is of a single storey design of modest proportions having a low eaves level set directly above its window and door openings and a low roof pitch. These features give the building a utilitarian appearance reflective of its previous agricultural use. The increase in the height of the building with the large expanse of walling between the heads of ground floor openings and the new eaves combined with the higher roof pitch alter the shape and proportions of the building significantly to the extent that they appear incongruous with its original character and appearance. The visual impact of the proposal is exacerbated by the addition of the large lean-to extension on the rear elevation which detracts from the attractive simplicity of the original barn and combined with the higher eaves level gives the building a domestic appearance that pays little regard to its agricultural origins.

The previous scheme approved for the conversion of the barn to holiday let accommodation demonstrates that the building can be converted to residential use in a sympathetic manner without significant extension or alterations works to the original building. The barn is considered to be of sufficient size to incorporate a residential annexe without detracting from its original appearance by increasing its overall height and adding a large extension to the rear. Indeed, the building is to be occupied by the applicant's disabled father whereby there will be no functional for the first floor accommodation which is to be accessed via a loft ladder from the ground floor.

Whilst Councillor Higgins opines that the building occupies an isolated location that is not visually prominent from the wider area, this is not a sound basis upon which to grant planning permission and does not outweigh the visual harm of the proposal upon the existing building.

The proposal is therefore considered to be at odds with the objectives of policies GP1 and SP1 of the LDP in that it does not conform with or enhance the character and appearance

of the existing building in the wider rural area in terms of its appearance, scale, height and massing. The application is therefore put forward with a recommendation for refusal.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy GP1 of the Carmarthenshire Local Development Plan (December 2014):

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the ‘designing-out-crime’ principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).

In that the proposed extensions to the building with the raising of the eaves and roof level and addition of a large rear extension will result in an incongruous form of development that will be harmful to the character and appearance of the original barn and surrounding rural area.

- 2 The proposal is contrary to Policy SP1 of the Carmarthenshire Local Development Plan (December 2014):

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a) **Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;**
- b) **Promoting, where appropriate, the efficient use of land including previously developed sites;**
- c) **Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- d) **Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- e) **Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;**
- f) **Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**
- g) **Utilising sustainable construction methods where feasible;**
- h) **Improving social and economic wellbeing;**
- i) **Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

In that the proposed extensions to the building with the raising of the eaves and roof level and addition of a large rear extension will result in an incongruous form of development that will be harmful to the character and appearance of the original barn and surrounding rural area

Ardal Del
Area South

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 31 HYDREF 2017
ON 31 OCTOBER 2017**

**I'W BENDERFYNU/
FOR DECISION**



Application No	S/35265
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Application Type	Full Planning
Proposal & Location	PROPOSED CHANGE OF USE OF LAND FOR THE STATIONING OF UP TO SIX CARAVANS FOR RESIDENTIAL PURPOSES, INCLUDING FORMATION OF ACCESS ROAD, LANDSCAPING, ETC AT LAND AT GYPSY LANE, LLANGENNECH, LLANELLI, SA14 8UW

Applicant(s)	S LEE, C/O AGENT,
Agent	JCR PLANNING LTD - MR CRAIG JONES, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
Case Officer	Paul Roberts
Ward	Llangennech
Date of validation	16/03/2017

CONSULTATIONS

Local Member - County Councillor GR Jones has not commented on the application to date. County Councillor G Thomas has objected to the application for the following reasons :

- The site was deemed to be unsuitable as a traveller site two years ago when the Local Authority was considering such sites during the preparation of the LDP.
- The Local Authority Housing Service decided against the possibility of providing a traveller site on the land as the Head of Transport considered the Gypsy Lane / A4138 junction to be substandard and dangerous considering the volume traffic travelling along the A4138. Nothing has changed since time other than the volume of traffic has increased over the past two years making the proposal even less suitable.
- Highway safety is of paramount importance and there has already been a fatality along this stretch of road and allowing the proposal to go ahead would be irresponsible.

Councillor Thomas requests a site visit by the Committee so that her concerns can be carefully considered.

Llangennech Community Council – Have objected to the application on the following grounds :

- The Community Council objected to the allocation of the site as a Gypsy and Traveller Site as part of the Local Development Plan process on the grounds that it is outside the development limits and the likely highway safety impacts. These reasons were accepted at the time.
- The curtilage of the site does not include land over which a suitable access can be achieved. The application is therefore deemed to be invalid and should have been returned to the applicant. The submission of an amended plan changing the curtilage of the application site to include additional land for the access would also be invalid and a complete new submission is therefore required.
- The Council query the ownership of the verge between the front boundary of the site and the road and, if this is Council land, was consent given for the existing narrow access to the site.

Head of Transport – Has raised no objection to the application subject to the imposition of suitable conditions.

Head of Public Protection – Has referred to the proximity of the site to the A4138 and the requirements of Technical Advice Note (TAN) 11: Noise (1997) in ensuring that noise levels within new developments are acceptable and meet the levels stipulated within the relevant BS Standard.

Head of Housing – Has raised no objection to the application and advised that the proposal will assist in meeting the identified need for additional gypsy and traveller sites in the County.

Welsh Water – Have raised no objection to the application.

Neighbours/Public – The application has been publicised with the posting of a site notice on the entrance to the site. In response, a number of third party letters of representation have been received which raise the following issues of concern:

- A previous proposal to use the land as a traveller site was rejected two years ago and the amenities of the site have not changed in the interim period.
- Likely increase in traffic and obstruction of a small lane that supports a dairy business and other farms and the potential detrimental impact upon these existing businesses.
- Gipsy Lane is a single track lane in most parts and can be blocked by the parking of the current tenant of the land and his horse box.
- The A4138 is one of the busiest roads in Llanelli with speeding traffic and a history of several accidents and fatalities. The inevitable increase in traffic will increase the risk of further fatalities.
- The junction of Gipsy Lane with the A4138 is hazardous and the staggered junction with the nearby junction leading to Llangennech School is even more hazardous during peak times due to school traffic.

- Long waiting times at the junction of Gipsy Lane with the A4138.
- Travellers are known to operate their businesses from home resulting in large vehicles as well as caravans visiting the site and increasing the risk of accidents.
- Access for children to Llangennech School from the site will be hazardous and cannot be contemplated on foot. Similarly, access to the village and amenities would be across the A4138 which would be dangerous for pedestrians.
- The site is located in the green belt and planning permission for residential development has previously been refused.
- The site has no amenities, electricity, sewerage or water supply. Connection to existing water supply pipes would disrupt and affect neighbouring properties.
- Drainage problems within the site.
- The presence of mining shafts in the area.
- Safety concerns and loss of privacy.
- The proposal would represent an unnecessary encroachment into the open countryside and be detrimental to the character of the village and the greenfield site.
- Potential habitats for protected species of fauna and flora within the site and the adjoining woodland and mine workings are a known location for bats.
- The proposal conflicts with Policies H8, H7, H9 and ENV10 of the LDP.
- Noise from the site could affect animal welfare.
- Elevated position of site above A4138 and likely visual impact of the development.
- Devaluation of property prices and increase in car and house insurance costs.
- Lack of consultation.
- Question the need for the applicant to have his own private site that would provide no benefit to the community.
- Allowing a gypsy site on the main route into Llanelli would not be a good advertisement for the town which is currently the subject of regeneration to attract new businesses.
- Loss and damage to surrounding properties.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest in terms of land ownership of the highway verge which is included within the application site for access and visibility purposes.

THE SITE

The application site consists of an irregular shaped parcel of land located on the eastern side of Gipsy Lane on the outskirts of the village of Llangennech. It extends to some 0.2 hectares and forms part of a larger field enclosure that flanks the side of Gipsy Lane adjacent to its junction with the main A4138 that links Hendy and Llangennech with Llanelli. The site is located approximately 50 metres from the junction.

Access to the site is via an existing gated entrance onto Gipsy Lane which is an unclassified road that narrows to a single lane width to the north of the site entrance. The road has no footways or pedestrian facilities.

There is an existing hardstanding area in the north western corner of the site which is separated from the remainder of the land by post and rail fencing. This area of the site includes a small brick building and a number of steel container structures the latter of which are being used to stable horses which graze the field. The site falls gently in a southerly direction and is bounded by established trees and hedgerows on its northern, eastern and western boundaries. The southern boundary of the site is currently open having no defined feature.

The main built form of Llangennech is located to the south of the site beyond the A4138 with areas of countryside to the west, east and north. The Maes y Dderwen housing estate is located beyond the A4138 as are Llangennech Junior and Infant Schools. The site is located approximately 1km from the centre of the village and the services and facilities therein.

THE PROPOSAL

The application seeks full planning permission for the siting of six static caravans on the site together with the formation of an access road and landscaping works. The site is to be used for residential purposes by the applicant and his immediate family who are members of the local traveller community.

The caravans will be arranged around a new internal access road that will extend towards the southern and eastern boundaries of the site from the existing access. The access is to be widened to a minimum width of 5 metres with a splayed entrance onto Gipsy Lane. Four of the caravans will be positioned along the western boundary of the site behind the existing trees and hedgerow while the remainder will be set against the southern boundary of the site which is to have a new planted hedgerow. Each caravan is to have a compacted gravel base and parking area for two vehicles. Similarly, the roadway will consist of a granular sub-base and have a width of between 5 and 6.5 metres to allow vehicles to easily access and egress the site. The existing hardstanding area in the north western part of the site is to be retained as part of the proposal albeit the existing steel containers will be removed. The layout submitted shows the future siting of a modest sized recreation building within the centre of the site, however, this does not form part of the current application.

With regard to drainage, foul drainage from the site will be via either a sealed cesspit or a septic tanks which will discharge to a drainage field in the southern part of the site. Surface water will be disposed of via soakaway through the granular base of the roadway, caravan pitches and parking areas.

The supporting information accompanying the application confirms that the proposal will provide residential accommodation for the applicant and his extended family who have longstanding multi generation links to the Llanelli area. Fifteen family members will reside on the site who will include the applicant's father, brothers, uncle and cousins. The family's lifestyle is described as falling under the definition of "travellers" as defined in Welsh Assembly Circular 30/2007 "Planning for Gypsy and Traveller Caravan Sites" whereby they are of a nomadic habit of life. They have previously resided at the traveller sites in the Morfa and Penybryn in Bynea but left the latter some 10 years ago on safety grounds

following tensions with other residents. The applicant and his extended family have since been living in houses as well as residential caravans located in their gardens and highlight their wish to return to their traveller way of life with the creation of a new private site on the application site. In doing so, they draw reference to the lack of council owned sites being brought forward in the County and the need for new privately owned sites.

The application has been accompanied by a tree survey of the site as well as a transport statement. The former confirms that the existing trees bordering the site will be retained as part of the proposal. The transport statement includes details of a speed survey undertaken along Gypsy Lane to establish the visibility requirements from the existing access. Based upon the speed surveys it concludes that the available splays at the entrance to the site are sufficient and accord with advice set out in Technical Advice Note (TAN) 18 : Transport (2007).

PLANNING POLICY

In the context of the Authority's current Development Plan the application site is located in the countryside outside the development limits of settlements defined in the Local Development Plan. The following policies are of relevance to the proposal.

The LDP does not contain any allocated gypsy and traveller sites, but relies on a criteria-based policy to deal with such proposals. The relevant policy is Policy H7 which permits proposals for gypsy and traveller sites or extensions to existing sites subject to a four qualifying criteria. These include the need for the proposed location to be reasonably accessible to a range of facilities and services, including existing community, social and educational provisions, and being within close proximity of main transport routes.

The second criterion requires that proposals should not be detrimental to nearby residents and adjoining land uses by virtue of noise and other disturbances. Thirdly, sites must be capable of being serviced with water, electricity, sewage and waste disposal, while the fourth criterion requires that there shall be no adverse effect on the landscape/townscape or the setting and integrity of the historic environment.

Policy GP1 is a general policy which, amongst others, promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Developments should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the

surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

National policy advice relating to gypsy and traveller caravan sites is set out in Welsh Assembly Government Circular 30/2007.

THIRD PARTY REPRESENTATIONS

The application has attracted numerous letters of objection from neighbouring residents as well as the local member for the ward and Llangennech Community Council. The issues raised are appraised below.

A common ground of objection amongst respondents is that the site's potential as a gypsy and traveller site was considered as part of the preparation of the LDP where it was deemed to be unsuitable on the basis of its location outside the development limits and the impact upon highway safety. Many refer to the narrowness of Gypsy Lane and the substandard nature of its junction with the A4138 as well as its ability to safely accommodate the additional traffic generated by the proposal.

By way of background to the site's consideration as part of the LDP process, the Authority's Housing Service undertook an accommodation needs assessment for gypsies and travellers back in 2012 which identified a requirement for a new site to be located within the Llanelli area for those gypsies and travellers who have long established links to the area. In light of the findings of this assessment, the Planning Authority undertook a consultation exercise in January 2013 inviting land owners, developers and other interested parties to put forward sites for consideration and potential inclusion in the LDP. Three sites were submitted as part of the process which included land at Gypsy Lane with the others being located in Bynea and Dafen. The Authority subsequently undertook a consultation in respect of the three sites before deciding on their suitability for inclusion in the LDP.

Following consideration of the sites and the consultation responses received, all three sites were deemed to be unsuitable as gypsy and traveller sites. The site at Gypsy Lane was deemed unsuitable on the basis of its countryside location and visual impact upon the character of the area as well as the significant increase in traffic movement at its junction with the A4138.

However, it is noteworthy that the site considered as part of this LDP process was significantly larger than the current application site in that it included the entire field enclosure extending down to the junction of Gypsi Lane with the A4138. The site measured some 0.8 hectares in area compared to the 0.2 hectare area of the current application site. The significant reduction in the size of the site and modest number of caravans currently proposed will mean that the proposal will not be visually prominent from public vantage points. Although it will be contiguous with the site's boundary with Gypsy Lane, the existing trees and hedgerows will provide roadside screening that will mean it will be reasonably unobtrusive to those travelling along the road. Similarly, the separating distance to the A4138 combined with the roadside screen of trees and hedgerows along its route will safeguard against any unacceptable visual impacts. Moreover, the provision of a new landscape framework along the southern boundary of the site as part of the proposal will, over time, supplement and reinforce the existing screening.

Whilst it is acknowledged that the site lies in a rural setting to the north of the A4138, it is nevertheless located on the outskirts of the built form of Llangennech. Circular 30/2007 provides that gypsy sites on the outskirts of built up areas may be appropriate providing they are of an appropriate scale so as not to dominate the nearest community while they may also be found in rural or semi rural settings where there are no specific planning or other constraints. The application site is not located in an area that is subject to any landscape or environmental designation and it is not considered that the proposal will have an unacceptable effect on the character and appearance of the area. Furthermore, the modest scale of the proposal will ensure it will not dominate the village of Llangennech. In this regard, it is in accord with the objectives of policies H7 and GP1 of the LDP and the Circular.

Tuning to the issue of highway safety, having considered the findings of the transport statement submitted in support of the application the Head of Transport has offered no objection to the proposal from a highway safety perspective. The highway network serving the site is considered to be adequate to serve the proposal without causing detriment to highway safety or neighbouring farms and businesses. Moreover, sufficient visibility exists along the highway verge either side of the site to ensure that vehicles can safely egress the site. The proposal is therefore in accord with the objectives of Policies GP1 and T3 of the LDP in terms of its likely highway impacts. It is also in compliance with the requirements of the Circular which advises that proposals should not be rejected if they would give rise to only modest additional vehicle movements and the impact upon minor roads would not be significant.

Concerns that large vehicles visiting the site in association with commercial activities will be addressed with the imposition of a condition on any permission granted precluding the business use of the site and the parking of large commercial vehicles. This will also protect the surrounding area from potential visual and noise intrusion. Suggestions that the proposal will cause amenity and privacy impacts to neighbouring residents are misjudged in that the nearest neighbouring property is located some 160 metres to the north of the site. Similarly, it is not envisaged that the proposal will impact upon the welfare of animals grazing surrounding fields. The proposal is therefore in compliance with the requirements of policies GP1 and H7 of the LDP in that it will not be detrimental to nearby residents and land uses.

As to the concerns regarding the accessibility of the site to local schools and facilities and the lack of pedestrian facilities. The location of the site to the north of the A4138 and the absence of footways means that the occupiers of the site are likely to rely on a car to access most day to day services. However, the advice contained in Circular 30/2007 promotes a more pragmatic approach to car borne journeys in relation to gypsy site uses. It advises that the over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could be used to effectively block proposals for any gypsy and traveller sites in rural locations.

The location of the site performs well against the objectives of the first criterion of Policy H7 of the LDP in that it is close to the village and easily accessible to its range of services and facilities which include schools, a surgery and chemist as well as numerous shops. Furthermore, it is close to main transport routes both in terms of the A4138 and the M4 which is located just 1km to the east of the site. The occupiers will also therefore have easy access to the higher order facilities available in the wider area.

The children who will reside in the development currently attend Bynea CP School and the applicant has confirmed that this will continue should permission be granted. The distance

involved will mean that the children will be transported to the school by car on a daily basis whereby there will be no requirement for them to cross the A4138 on foot as suggested by a number of respondents.

Concerns regarding the extent of the curtilage of the site have been addressed as part of the application process in that the highway verge fronting the entrance has been included within the application site and notice served on the Authority as the relevant landowner. Suggestions that the application is invalid are unfounded in that the information submitted accords with the relevant statutory requirements. The application has also been publicised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In terms of the amenities required to serve the development, foul drainage will be disposed of via a private sealed cesspit or septic tank while Welsh Water have raised no objection to the proposal from a water supply perspective. Furthermore, there appears to be no reason why an electricity supply could not be provided to the development. The proposal is not therefore in conflict with the requirements of Policy H7 in this regard.

The Authority's Planning Ecologist has raised no objection to the application from an ecological perspective. With regard to the suggested presence of mineshafts within the area, the nature of the proposal means that it will not involve significant engineering or ground works or any permanent structures whereby any former mineworkings in the area will be unaffected by the proposal.

Matters relating to the devaluation of neighbouring property prices and damage to properties are not material planning considerations.

CONCLUSION

Circular 30/2007 requires that the Authority make provision for gypsy and traveller caravan sites in the County through site allocation where a need is identified, along with criteria-based policies. Previous work undertaken by the Housing Service in 2012 identified a requirement for a new site in the Llanelli area for travellers with long established links with the area and this was reinforced by their more recent Gypsy and Traveller Needs Assessment which has recently been approved by the Welsh Government. Notwithstanding this there are no allocated sites in the Llanelli area with the LDP relying on a criteria based policy whereby proposals for new sites are considered against the requirements of Policy H7 of the Plan, as referred to above.

The Authority does have an existing gypsy and traveller site at Penybryn in Bynea which originally consisted of 30 caravan pitches. However, part of the site fell into a state of disrepair after it ceased being used in 2008/2009 and as a consequence 15 of the pitches and their associated amenity blocks were subsequently cleared from the site back in 2013. The Housing Service is currently considering the feasibility of reinstating these pitches to a habitable standard to meet the identified need in the Llanelli Area, however, this provision would not be suitable for the applicant and his family based upon their previous experience of living on the site. Cultural differences between the family's Welsh gypsy traditions and those of the Irish traveller community that presently occupy the site resulted in tensions and violence which culminated in the applicant and his family having to move from the site to housing and other accommodation in the Llanelli area.

In the absence of the availability of a suitable existing site or allocation, the applicant is seeking to establish a new privately owned site that will meet his family's accommodation needs and allow them to return to their traditional nomadic lifestyle. The family have long established links with the Llanelli area having previously lived on the Penybryn site and more recently in housing accommodation with the children also attending local schools. The proposal accords with the policy requirements of the LDP and Circular 30/2007 in that it is accessible to a range of facilities and services, will not be detrimental to the amenity of nearby residents and land uses and is capable of being serviced with the required amenities and infrastructure. Furthermore, the modest scale of the proposal will safeguard against any unacceptable visual impacts and the Head of Transport has raised no objections from a highway safety perspective.

Any permission granted will be conditioned to restrict the occupation of the development to gypsies and travellers as defined in the Circular. Moreover, in the interests of protecting the surrounding area from potential visual and noise intrusion further conditions will be imposed restricting the number of caravans on the site to six and to prevent commercial activities taking place.

In light of the foregoing, the proposal is considered to accord with the objectives of the abovementioned policies and is therefore presented with a recommendation for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development shall begin no later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the details shown on the following schedule of plans :
 - 1:500 and 1:2500 scale location and block plans (REV – OCT 2017) received on 16 October 2017.
 - 1:500 scale tree survey plan received on 8 March 2017.
- 3 The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 3 of Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites'.
- 4 No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
- 5 No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.
- 6 No development or site clearance works shall take place until a scheme for the protection of the existing trees and hedgerows bordering the site, as shown on the 1:500 scale tree survey plan received on 8 March 2017, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out throughout the course of the development.

- 7 The landscaping scheme shown on the 1:500 scale block plan (REV – OCT 2017) received on 16 October 2017 shall be carried out in the first planting season following the commencement of the development 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.
- 8 No development shall commence until details of a scheme for the disposal of foul 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 occupation of the development and retained in perpetuity.
- 9 Prior to its use by development traffic, the new access road shall be laid out and constructed with a minimum 5.0 metre carriageway 6m metre kerbed radii at the junction with the U2301 road.
- 10 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 11 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the nearside edge of the carriageway.
- 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 U2301 road frontage within 2.4 metres of the near edge of carriageway.
- 13 The parking spaces and layout shown on the plans herewith approved shall be provided prior to the occupation of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 14 The site access road shall be hard-surfaced for a minimum distance of 5.0 metres behind the nearside edge of highway in materials which shall be subject to prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out
- 3 To restrict the occupancy of the site.
- 4,5 In the interests of visual amenity and safeguard the amenity of adjacent occupiers and land users.
- 6,7 In the interests of visual amenity and to protect existing landscape features.

8 To ensure the development is drained in an acceptable manner and to prevent the pollution of the environment.

9-14 In the interests of highway safety.

NOTE(S)

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.

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).

*Ardal
Gorllewin/
Area West*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN/**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 31 HYDREF 2017
ON 31 OCTOBER 2017**

**I'W BENDERFYNU/
FOR DECISION**



Application No	W/36168
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Application Type	Full Planning
Proposal & Location	SUN LOUNGE EXTENSION AT TY LILLY WEN, NANTYCAWS, CARMARTHEN, SA32 8EP

Applicant(s)	MR NATHAN DAVIES, TY LILLY WEN, NANTYCAWS, CARMARTHEN, SA32 8EP
Agent	HAROLD METCALFE PARTNERSHIP, 32 SPILMAN STREET, CARMARTHEN, SA31 1LQ
Case Officer	Stuart Willis
Ward	Llangunno
Date of validation	21/09/2017

CONSULTATIONS

Local Member – Cllr D E Williams has not responded to date.

Llangunnor Community Council - have no objection to this application providing usual neighbour consultation takes place.

Neighbours/ Public - The application has been publicised by the posting of a site notice with no response having been received as a result.

RELEVANT PLANNING HISTORY

W/35994	Modification of covenant 4 of the Section 106 Agreement which stipulates that 'there shall be no enlargement, improvement or other alteration to the dwelling	Pending
W/23290	Residential dwelling (under local need provisions of the UDP) resubmission of application W/21406 Full Granted S106 Signed Affordable dwelling /future occupancy	11 November 2010

W/22543	Application for a lawful development certificate for an existing use. Change of use of agricultural land to a builders storage yard – CLEUD – Approval	20 April 2010
W/21406	Residential dwelling (under local need provisions of the UDP) Withdrawn	04 September 2009

APPRAISAL

The application is presented to the Planning Committee as the applicant is related a member staff within the Planning Department.

THE SITE

The application consists of a detached 2 storey dwelling located at the southern end of the Nantycaws. The property is accessed off a private drive leading to the old A48 road that runs through the village. The property was approved in 2010 as a local needs/affordable dwelling. The approval was subject to a Section 106 Agreement to secure the long term affordability/local occupancy of the dwelling. There is a pending deed of variation to amend this agreement to make provision for this proposal.

THE PROPOSAL

The application seeks full planning permission for an extension to the rear of the dwelling. The extension would be single storey pitched roof extension for a sunroom. The extension would have a tiled roof and walls of render/brick finish to match the existing dwelling.

PLANNING POLICY

In the context of the current development control policy framework the site is located outside the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy GP6 Extensions states that proposals for the extension of existing residential dwellings/use class C3 (which require planning permission) whether buildings, other structures or a particular land use must comply with the following:

- a) The scale of the proposed extension is subordinate and compatible to the size, type and character of the existing development and does not result in over development of the site, nor lead to reduced and inadequate areas of parking, utility, vehicle turning, amenity or garden space;
- b) The external appearance of the proposed extension in terms of design is subordinate, and the materials should complement that of the existing development;
- c) There are no adverse effects on the natural environment, landscape/townscape or

the setting and integrity of the historic environment;

- d) The local environment and the amenities of neighbouring developments are not adversely affected by the proposed extension;
- e) The use to be made of the proposed extension is compatible with the existing building, structure or land use.

THIRD PARTY REPRESENTATIONS

There have been no representations received to date. The application is only presented to the Planning Committee due to the applicant being related to a member of staff from the Planning Department.

The extension is of a relatively small scale and would be subordinate to the existing dwelling. The external materials would also compliment the existing dwelling. There are no nearby dwelling that would be impacted upon in terms of overlooking or loss of amenity. Sufficient garden area remains and there are no impacts on the existing parking provision.

The dwelling was approved as a local needs/affordable dwelling. There was a legal agreement imposed in order to control the occupancy and affordability of the dwelling. It is not felt that the proposed extension would have any significant impacts on the dwellings affordability. However there is a need to amend the previously legal agreement and the applicant has made a submission to do this. The documentation is currently with the Authority's Legal Section.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval subject to the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - 1:1250 scale Location Plan
 - 1:500 scale Block Plan
 - 1:50 scale Ground Floor Plan (C/4611/1)
received on 28th June 2017

- 1:100 scale Elevations (C/4611/2A)
received on 31st August 2017

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.

REASONS FOR DECISION

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 GP6 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the extension not considered to be harmful to the character of the building and is of a scale and design which is considered acceptable and subordinate. Sufficient amenity space and parking areas also remains. It is not considered that any significant impacts on amenity of any nearby properties.

NOTE(S)

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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).

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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.

Mae'r dudalen hon yn wag yn fwriadol