

**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 24 IONAWR 2017  
ON 24 JANUARY 2017**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal Del/  
Area South*



**Cyngor Sir Gâr  
Carmarthenshire**  
County Council



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 JANUARY 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/33421</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF 4NO. RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING WORKS AT LAND AT, 58 LLANNON ROAD, PONTYBEREM, LLANELLI, SA15 5LY

<b>Applicant(s)</b>	JHG DEVELOPMENTS LIMITED, 2 CAE PENPANT, LLANGYFELACH, SWANSEA, SA6 6BG
<b>Agent</b>	ASBRI PLANNING LTD - RICHARD BOWEN, SUITE 4 - J SHED, KINGS ROAD, SWANSEA WATERFRONT, SWANSEA, SA1 8PL
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Pontyberem
<b>Date of validation</b>	26/02/2016

## CONSULTATION

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

**Pontyberem Community Council** – Has not commented to date.

**Local Member** – County Councillor J S Williams is a Member of Planning Committee and has not made prior comment.

**Dwr Cymru/Welsh Water** – States that the site is crossed by two sewer pipes.

**Neighbours/Public** – The application has been advertised by the posting of 2No. Site Notices with 23No. representations received to date raising the following matters:-

- highway and pedestrian safety;
- parking;
- overdevelopment/scale (original submission had 5 houses);
- character and appearance;
- housing close to the highway;
- history of refusal on the site;
- destruction of trees;
- boundary treatments.

## RELEVANT PLANNING HISTORY

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

S/32509	Full planning application for the construction of 5no. residential dwellings and associated works Full planning refused	25 September 2015
S/28702	Variation of condition no.1 of planning permission S/21892 to allow further time to submit Reserved Matters (resubmission of S/27486 refused 31/01/2013) Variation of Planning Condition granted	31 March 2014
S/27486	Variation of condition no 1 of S/21892 to allow further time to submit Reserved Matters Variation of Planning Condition refused	31 January 2013
S/21892	Residential development of two detached dwellings Outline planning permission	23 November 2009
S/20785	Residential development of two detached dwellings Outline Refusal	21 May 2009

## APPRAISAL

**This planning permission is dependent upon the developer entering into a Section 106 Agreement with Carmarthenshire County Council.**

## THE SITE

The application site is a 0.15ha triangular shaped parcel of land formerly occupied by a bungalow. The site forms a wedge between Llannon Road and an access serving the vicarage and other properties to the north. The plot has a road frontage of approximately 67m and a maximum depth of approximately 31.5m along its south western boundary.

There is an existing access serving the site from Llannon Road. The bungalow has been demolished and the former garden is overgrown and enclosed within temporary fencing. The site is in a prominent location visually as it faces Llannon Road which sweeps around the property.

The site has a planning history of permission for the replacement of the bungalow which was in a poor state of repair and the construction of two dwellings, however there is a sewer pipe which affects the layout approved so it is not practical to take the outline forward as submitted. There are in fact two sewer pipes crossing the site however the second does not affect the layout.

## THE PROPOSAL

The application seeks full permission for four modest 3 bedroom semi-detached dwellings on the site. The original submission was for five dwellings, however after concerns, the proposal has been reduced.

The location of sewer pipes on the site mean that the layout is constrained so the dwellings are located on the south western portion which also has the greatest width, with 10 car parking spaces to the north east where the site narrows. A single point of access is proposed to serve the parking court.

The houses are modest in scale and are traditional in character with saddle roofs facing onto the highway. Externally the houses are proposed to be rendered with brick detailing under a grey or black interlocking tiled roof.

## **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 and allocated for housing.

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.

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 Planning Policy (PPW: Edition 9 November 2016 and TAN12: Design (2016)).

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**

The primary concern from third parties is highway & pedestrian safety given the fact that the parking is proposed in an off-site car park rather than individual driveways. The fear is that residents would decline to use the dedicated parking and instead park on the road causing obstruction. The highway is 30mph however there is no traffic calming and therefore it is said that vehicle speeds are considerably higher than the speed limit.

The proposal provides a car park for 10 vehicles which means each unit has 2 spaces with 2 spaces for visitors. The site is on a bus route so this is considered to be a reasonable provision. The car parking is within the north eastern section of the site due to the presence of a mains sewer which cannot be diverted and which sterilises this part of the site from built development. Third parties opine that the parking would not be used due to the layout design, however this is speculative, and if traffic management consider this to be a risk, measures can be pursued to preclude this from happening (i.e. double yellow lines which would be subject to the relevant traffic regulation order). Given the constraints of the site, individual driveways would not be practical, however the parking court is open and well over-looked so is unlikely to be a source of anti-social behaviour for neighbours.

The original submission showed 5 houses on the site, and it is agreed that this constituted over development. Through negotiation, this was reduced to 4 houses which is considered to be acceptable. It is noted that a previous application was refused for 3 detached houses due to the design and layout being unacceptable, and subsequently outline was approved for 2 houses, however the 2 house solution is not implementable due to the sewer.

The area is characterised by a mix of detached and semi-detached dwellings, so the semi-detached house types as amended are considered to be acceptable and in keeping with the character and appearance of the area. The use of the narrower part of the site for car parking is considered to be efficient use of land given the constraint of the sewer.

There are concerns that the housing is too close to the highway – however it is noted that each unit has a space to the front with a path from the car park at floor level with steps up from highway to link also to the pavement. The houses address the public realm so the character and appearance of the area is replicated.

History of refusal on the site is highlighted above, as the three detached houses were considered cramped and not acceptable – however the two pairs of smaller dwellings sit comfortably within the site with reasonable gardens to the rear. Each case is considered on its merits and the proposed layout is considered acceptable.

Reference to the destruction of trees is due to the original site having mature trees and hedge present which has been partially removed a number of years back. The outline permission sought to retain the trees by condition, however the current owners have not pursued the original planning and the conditions have not therefore been

Boundary treatments are not specified, however a condition is recommended below to ensure that they are appropriate.

### **CONCLUSION**

After careful consideration of the site and surrounding environs, on balance, it is considered that the site is previously developed and is suitable for residential development having a history of previous permission. There are concerns locally, however these mostly revolve around highway safety from cars parked on the street. The proposal however provides car parking off the road and if residents don't use the parking facilities, it is a matter for highway enforcement and management.

The proposed development is within settlement development limits and is not likely to have an unacceptable adverse impact on third parties or highway safety, therefore is considered to be in accordance with the above policies.

The recommendation is subject to the applicant submitting a Unilateral Undertaking under Section 106 of the Town and Country Planning Act to secure the affordable housing contribution.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans dated 19 February 2016:-
  - 1:500 & 1:1250 scale Site and Location Plan. Drawing No. GA/01ii;and, with the following schedule of plans dated 8 December 2016:-
  - 1:100 scale Proposed Drainage Layout. Drawing No. GA/04II-RevA;
  - 1:75, 1:100 & 1:125 scale Proposed Street Scene Section/Elevation. Drawing No. GA03ID;
  - 1:75 scale Proposed Elevations. Drawing No. GA05;
  - 1:75 scale Proposed Floor Plans. Drawing No. GA06A;
  - 1:125 scale Proposed Landscaping Plan. Drawing No. GA/03 – RevA.
- 3 No development shall take place until full details of external roof and brick detailing materials along with boundary treatment have been submitted to and been approved in writing by the local planning authority.
- 4 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use 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.
- 5 There shall be no growth or boundary wall or obstruction above 0.9m within 2m of the Llannon Road boundary.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2-3 In the interests of visual amenity.
- 4-5 In the interests of highway safety.

## **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 & H1 of the LDP in that it is sensitive infilling on a previously developed site 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 a sum of £51 per square metre for affordable housing will be provided in a unilateral undertaking.

## **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 of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
- 3 The applicant/developer's attention is drawn to the unilateral undertaking setting out an affordable housing contribution of £51 per square metre internal floorspace.

<b>Application No</b>	<b>S/34146</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	RESIDENTIAL DEVELOPMENT OF UP TO 24 DWELLINGS AND ASSOCIATED WORKS AT LAND OFF PARK VIEW DRIVE, KIDWELLY, SA17 4UP

<b>Applicant(s)</b>	MR GARETH DAVIES, 28 HILLBROOK CLOSE, WAUNARLWYDD, SWANSEA, SA5 4QD
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Kidwelly
<b>Date of validation</b>	19/07/2016

## CONSULTATION

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

**Head of Social Care, Health and Housing** – States that in this particular case, the local housing needs are best served by securing an offsite contribution equivalent to 20% affordable housing rather than on site bungalows.

**Kidwelly Town Council** – Has not commented to date.

**Local Member** – County Councillor R Thomas has asked for the application to be reported to Planning Committee and objects on the following grounds:-

- (i) Increase in traffic congestion at Station Road/Bridge Street.
- (ii) Concern raised by residents on privacy/amenity grounds.
- (iii) Increased surface water would lead to further flooding of Parc Stephens.
- (iv) Pressure on local schools.
- (v) Proposal would not be in keeping with varied character of area.

**Kidwelly Civic Society** – Objects on the basis of highway safety and inadequate services and infrastructure.

**Dwr Cymru/Welsh Water** – Has no adverse comments.

**Natural Resources Wales** – Has no objection subject to the imposition of appropriate conditions.

**Neighbours/Public** – The application has been advertised by the posting of 5No. Site Notices with 16No. representations received to date raising the following matters:-

- Highway & Pedestrian Safety
  - Traffic generation
  - Parking
  - Congestion
  - Width of existing roads
- Residential Amenity
  - Noise
  - Disturbance
- Scale
- Character and Appearance
- Ecology
- Well Being of Future Generations Act
  - Infrastructure & services are inadequate
  - Foul water
  - Surface water flooding
  - Schools
  - Surgery

## **RELEVANT PLANNING HISTORY**

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

S/00583	One residential bungalow Outline planning refused	29 May 1997
D5/8937	Erection of new bungalow Refused	23 January 1986

## **APPRAISAL**

**This planning permission is dependent upon the developer entering into a Section 106 Agreement with Carmarthenshire County Council.**

## **THE SITE**

The application site is a 1.25ha irregular shaped parcel of land infilling the gap between Station Road, Parc View Drive and Llys y Fforyd with the remainder bounded by the railway land and Parc Stephens. The site is in multiple ownership so the requisite notices have been served on the different parties.

The site is relatively flat and is overlooked by the backs of the surrounding properties. The site is currently overgrown and in an unkempt condition so ecological reports were sought and submitted.

The site is accessed via Parc View drive, a low density development characterised by a mix of large self-build houses and bungalows.

## **THE PROPOSAL**

The application seeks outline permission to establish the principle of up to 24 dwellings on the site.

The indicative scheme shows that 24 bungalows can be accommodated accessed off Park View Drive, however all matters are reserved for future consideration. Further land owned or controlled by the applicant is shown adjacent to Parc Stephens which was indicated as amenity grassland however is necessary for ecological mitigation as illustrated indicatively on the amended layout plan.

The application is accompanied by a flood consequences assessment, transport and ecological reports.

Given the multiple owners of the site, the applicant would prefer to have off site affordable housing with a payment equivalent to 20% rather than on-site provision. As this is an outline application, the legal agreement can accommodate multiple options to secure the best way of satisfying housing need.

The applicant has also agreed the principle of education and open space contributions to be set out in a Section 106 agreement.

## **PLANNING POLICY**

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

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.

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 Planning Policy (PPW: Edition 9 November 2016 and TAN12: Design (2016)).

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 & Pedestrian Safety is of concern given the location off Station Road which has limited width at its junction with Bridge Street. Given the location of a school, doctor's surgery, hall etc. in this part of town, it is said to be highly congested. There is concern over the traffic generated from the site having an unacceptable impact when combined with the existing traffic. It should be noted that highways had initial concerns over the width of the road through Park View Road and the Bridge Street junction. The applicant was asked for further information and submitted an assessment of both the estate road and the offsite junction. It should be noted that the site is allocated for housing so the increase in traffic was considered acceptable at the Local Development Plan Examination. The allocated number is lower than proposed, however the merits have been considered and the increase is not considered to be unacceptable to highway safety.

Neighbouring residents consider that residential amenity is likely to be affected, in terms of noise and disturbance. As stated above, the principle of development has gone through the Local Development Plan examination and the merits have been carefully examined on site and it is considered that the residential development of the site is not considered likely to have an unacceptable adverse impact on the residential amenities of neighbouring properties given the separation distances between properties and the relatively low impact layout with single storey dwellings.

The scale of the site is not considered to be excessive in the context, with bungalows proposed, the footprints are large compared with houses, so the overall density is considered reasonable. Single storey bungalows are relatively small in scale compared with the self-build houses in the vicinity, however it would ensure that they have less impact on surrounding properties.

The character and appearance of the proposal would be in keeping with the single storey element of the existing estate although there are two storey dwellings immediately surrounding. There is concern that it would be

Ecological issues have identified and have been carefully examined. The site assumes presence of dormice as there are records within 600m, therefore a precautionary licence will be required. In order to demonstrate that the mitigation measures are practical, the applicant has submitted a revised indicative plan showing ecological mitigation areas.

The Well Being of Future Generations Act 2015 provides a requirement for decision making to be mindful of sustainability and future proofing development. There is concern that in this case, there is insufficient physical and social infrastructure to support future generations. It should be noted that there are many aspects considered before allocating sites, and whilst pre-dating the Act, sustainability is at the heart of the examination process. The service providers such as the Local Education Authority and the Health Board are party to the process so that they can ensure the future provision of services.

Foul and surface water has been considered and Dwr Cymru & Natural Resources Wales do not object to the proposal. A condition on sustainable drainage is recommended to ensure that it is not going to cause issues to Parc Stephens. It is noted that the applicant has control over a strip of land between the site and the park which is shown as ecological mitigation and forms a buffer between the site and the park.

## **CONCLUSION**

In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the application has been screened to establish whether an Environmental Impact is required. Given the scale and nature of the proposal, the development is considered to be of no more than local impact and will not give rise to any significant adverse environmental impacts upon the surrounding area. Moreover, the site does not occupy an environmentally sensitive location and is considered to be of little historical importance. On this basis, the requirements of an Environmental Impact Assessment are not considered to be applicable to the application. In arriving at this decision the authority have taken into account the selection criteria as set out in Schedule 3 of the above Regs.

After careful consideration of the site and surrounding environs, on balance, it is considered that the site is an undeveloped parcel of land within settlement limits and allocated for housing. The site would form a logical extension to the built form of Parc View Drive. The indicative plan shows that the site is capable of accommodating up to 24 bungalows with associated access turning and parking areas without unacceptable adverse impacts on surrounding dwellings.

The following heads of terms have been agreed for the requisite Section 106 Legal Agreement:-

- Affordable Housing – off site contribution equivalent to 20% provision.
- Open Space – The site is in close proximity to Parc Stephens so a contribution towards offsite open space improvements is considered appropriate. The standard contribution is £2,463 per dwelling. There is a strip of land between the site and the Park, however this is needed for ecological purposes.

- Education – The Lower threshold payment is required for Early Years, Gwennlian and Secondary school, with the Upper threshold payment for Ysgol Y Castell. Based on 24 dwellings, the contribution would be £24,960, however the precise figure will depend on the number of units in the final design.

The proposed development is within settlement development limits and is not likely to have an unacceptable adverse impact on third parties or highway safety, therefore is considered to be in accordance with the above policies. The recommendation is subject to the entering into a Section 106 agreement to secure the above heads of terms.

## **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 permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The development hereby permitted is defined on the 1:500 scale Layout Plan. Drawing No. SK01B 11 January 2017.
- 3 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 4 Development shall not commence until detailed plans of the design, external appearance, 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.
- 5 Any reserved matters application shall be accompanied by full details of boundary treatment and external roof and wall materials.
- 6 Any reserved matters application shall be accompanied by full details of a sustainable drainage scheme to serve the site.
- 7 Prior to its use by vehicular traffic, the new access road(s) shall be laid out and constructed with the following:-
  - to serve a maximum number of 16 dwellings;
    - 5.0 metre carriageway, 1.8 metre footways.
  - to serve 17no and above dwellings;
    - 5.5 metre carriageway, 1.8m footways.

- 8 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 estate road frontage within 2.0 metres of the near edge of carriageway.
- 9 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 10 At no time shall there be vehicular access from the site onto Station Road, past existing property no.60, as is shown on the illustrative plan.
- 11 Any reserved matters application shall be accompanied by a phasing scheme.
- 12 Notwithstanding the deemed requirement for a commencement notice under Schedule 5A Article 24B (2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the Local Planning Authority shall be given 14 day notice of Commencement of development so that Dyfed Archaeological Trust Development Management (DAT DM) can be informed and afforded an opportunity to monitor the site. Should potential archaeological remains be discovered during the construction of the proposed development, work affecting those remains shall cease and DAT DM is to be contacted immediately. Any necessary archaeological investigation shall be at the cost of the developer and submitted to and be approved in writing by the Local Planning Authority prior to the resumption of works.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2+5 In the interests of visual amenity
- 3+4 The application is outline only.
- 6 To ensure the sustainable drainage of the site.
- 7-10 In the interests of highway safety.
- 11 To ensure the timely delivery of the proposed development.
- 12 In the interests of the historic environment.

## **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 & H1 of the LDP in that it is sensitive infilling on an allocated site 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 20% affordable housing will be provided.

## 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 of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
- 3 The applicant/developer's attention is drawn to the Section 106 agreement which sets out the provision of an offsite contribution equivalent to 20% Affordable Housing, £2463 per dwelling for open space and the lower Education threshold.

**APPLICATIONS RECOMMENDED FOR REFUSAL**



<b>Application No</b>	<b>S/34721</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	SITING OF DWELLINGHOUSE TO ENABLE FARM SUCCESSION MANAGEMENT AT LAND PART OF COED DERWEN FARM, LLWYNTEG, LLANNON, LLANELLI, SA14 8JQ

<b>Applicant(s)</b>	MR C THOMAS, COED DERWEN FARM, LLWYNTEG, LLANNON, LLANELLI, SA14 8JQ
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, LLANELLI, SA14 6RE
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Llannon
<b>Date of validation</b>	18/11/2016

## CONSULTATION

**Head of Transport** – No response has been received to date – any response will be reported in the addendum.

**Head of Corporate Property** – States that there is inadequate justification for the dwelling on the grounds of a Rural Enterprise Dwelling.

**Llannon Community Council** – No response has been received to date – any response will be reported in the addendum.

**Local Members** – County Councillor E Dole has requested the application be reported to Planning Committee and requests a site visit. County Councillor M K Thomas is a member of the Planning Committee and has not made prior comment.

**Dwr Cymru/Welsh Water** – States that there is no mains sewerage so a private means of drainage would have to be installed.

**Neighbours/Public** – The application has been advertised by the posting of a site notice with no replies received to date.

## **RELEVANT PLANNING HISTORY**

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

S/31806	New home & temporary siting of caravan during construction Outline planning refused	18 June 2015
S/30816	New home and temporary siting of caravan during construction. Outline planning refused	29 October 2014

## **APPRAISAL**

### **THE SITE**

The application site is an L shaped parcel of land adjacent to the C2130 road, which is characterised by a loose scattering of individual properties known as Llwynteg. There is no settlement limit given the loose rural form.

The site has a 32.7m road frontage and extends back 33.8m and has an unauthorised caravan on the site at present. The site is behind a mature hedge, however has a gated entrance onto the county highway and is laid to hard standing.

Applications were submitted and refused in 2014 and 2015 on the basis that there was no justification for the dwelling in the open countryside.

### **THE PROPOSAL**

The application seeks outline planning permission to establish the principle of a dwelling on the site for succession with regards an equestrian business on the holding known as Coed Derwen.

A case has been put forward that the applicant's parents are elderly and suffering ill health, and the applicant seeks a dwelling to enable succession. A rural enterprise assessment has been submitted which includes information regarding the viability of the business, however as this is sensitive information, it is not being reported publically.

It is noted that the applicant has 45acres of land and a bungalow which is tied to the equestrian business. The business currently has 4 Arabian breeding mares with the intention to increase this to 6 mares and add a further stallion. The business currently produces two foals per year, however this is proposed to increase to four or five. There are stables for 8 horses on the holding. The applicant states that there is a functional need for a full time worker and that the business is profitable, which is said to justify a dwelling so that the traditional owner can retire on the grounds of ill health.

The site is over 400m away from the stables and is proposed to comprise a single storey dwelling with a floor area of 114sqm. The applicant is said to live in Llannon just over a mile away to the South West.

No legal agreement has been submitted formally handing over the business to the successor.

## **PLANNING POLICY**

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

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 Planning Policy (PPW: Edition 9, TAN12: Design (2016) and TAN 6 Planning for Sustainable Rural Communities (2010)).

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.

EQ7 Development within the Caeau Mynydd Mawr SPG Area applies which states:

Proposals will be permitted where they accord with the Council's commitment to promote and contribute to the delivery of the Conservation Objectives of the Caeau Mynydd Mawr Special Area of Conservation (CMM SAC) in line with the Habitats Directive. Where applicable, proposals in the SPG area will be required to contribute towards increasing the

quality and amount of suitable habitat for Marsh Fritillary butterfly available within the SPG Area. The SPG Area is defined on the Proposals Map.

In order to achieve these objectives, and to mitigate for the loss of potential supporting habitat and connectivity for the marsh fritillary butterfly that may result through the development, the Council will, where applicable, seek to secure Planning Obligations (in accordance with policy GP3 and the provisions of the SPG for the CMM SAC) from relevant developments within the SPG area. The agreed contribution will be negotiated on a case by case basis subject to the provisions and requirements of the CMM SAC SPG.

Section 4.4 and 4.5 of Technical Advice Note 6 are applicable to rural enterprise dwellings.

#### 4.4 New dwellings on established rural enterprises

4.4.1 New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. there is a clearly established existing functional need; (See paragraph 4.8.1).
- b. the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; (See paragraphs 4.11.1 - 4.11.2),and
- e. other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).

#### 4.5 Second dwellings on established farms

4.5.1 The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be fully satisfied. The two exceptions to the policy are:

- Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business; or,

- There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business.

4.5.2 In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out above and in paragraph 4.4.1 c - e are met. These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after this TAN comes into force and not to subsequent dwellings.

4.5.3 It must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. In addition, where all the criteria specified above are met the planning authority should ensure that the new dwelling is tied to the holding by way of a legal agreement.

Detailed advice is given in subsequent sections.

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 should be presented in the design and access statement where one is required.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs, it is considered that the proposal is a new residential unit in the open countryside. Advice has been received from a surveyor in the Corporate Property section in terms of the financial and functional tests, and from Forward Plans in terms of the application of the Local and National policies.

The site is not adjacent to a sustainable settlement or cluster with any local facilities, neither is it adjacent or closely related to the stables it is intended to serve. The applicant would therefore have to travel to a settlement for any commercial, medical, religious, recreational or other reasons, and travel over 400m to the stables so is not sustainable nor would it provide surveillance of the stables. The application states that remote monitoring is not practical, so the proposed location would be equally unsuitable.

In terms of the functional test, the applicant states that there will be succession on the grounds of age and ill health however no evidence has been submitted to this effect in the form of a legally binding arrangement. It is further stated that the applicant’s house is currently too far away for functional reasons, however it should be noted that the appraisal reveals that the applicant lives just over a mile away. The policy states that an assessment should be made for houses in the “locality” and it is considered that the applicant already

lives in the locality just over a mile away as stated in the submission. The proposal itself is over 400m from the main bungalow so would also fail to satisfy on site presence. The applicant has provided an indication of the working hour commitments for the business, however these are not based on recognised standards to justify the additional dwelling on the site. The proposal is not therefore considered to be justified on this basis.

In terms of the financial test, the rural enterprise assessment reveals that the business is profitable, however there is insufficient money to support a worker and justify a rural enterprise dwelling. There is therefore insufficient justification submitted in terms of agricultural, forestry or rural enterprise needs. The proposal is therefore considered to be an unjustified and unsustainable form of development in the open countryside and is not therefore in accordance with the above policies.

The site is also within the Caeau Mynydd Mawr metapopulation area and therefore would be subject to a contribution of £1043 towards off site mitigation. No unilateral undertaking has been submitted to this effect so the proposal fails to comply with Policy EQ7.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy GP2 “Development Limits” 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 Llannon as defined in the adopted Local Development Plan. The proposal would therefore constitute inappropriate sporadic and unsustainable development in the open countryside.

- 2 The proposal is contrary to Sections 4.4 & 4.5 of Technical Advice Note 6:-

**Section 4.4 and 4.5 of Technical Advice Note 6 are applicable to rural enterprise dwellings.**

#### **4.4 New dwellings on established rural enterprises**

**4.4.1 New permanent dwellings should only be allowed to support established rural enterprises providing:**

- a. **there is a clearly established existing functional need; (See paragraph 4.8.1).**



- b. the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).**
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).**
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; (See paragraphs 4.11.1 - 4.11.2), and**
- e. other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).**

#### **4.5 Second dwellings on established farms**

**4.5.1 The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be fully satisfied. The two exceptions to the policy are:**

- Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business; or,**
- There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business.**

**4.5.2 In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out above and in paragraph 4.4.1 c - e are met. These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after this TAN comes into force and not to subsequent dwellings.**

**4.5.3 It must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through**

**the re-organisation of labour responsibilities. In addition, where all the criteria specified above are met the planning authority should ensure that the new dwelling is tied to the holding by way of a legal agreement.**

In that:-

- (i) the applicant already has a dwelling in the locality approximately a mile away.
- (ii) the proposal whilst being on the holding is not on or well related to the site of the stables.
- (iii) no legally binding arrangement has been submitted to indicate that there is business succession as stated.
- (iv) the submission fails to satisfy the functional test in that the projected working hours are not based on recognised standards.
- (v) the submission fails to satisfy the financial test in that there is insufficient profit to support an agricultural worker and dwelling as proposed.

3 The proposal is contrary to Policy TR3 “Highways in Developments – Design Considerations” 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 the site is in a location which is wholly reliant on the private car and is not therefore in a sustainable location.

- 4 The proposal is contrary to Policy EQ7 “Development within the Caeau Mynydd Mawr SPG Area” of the Carmarthenshire Local Development Plan:-

**EQ7 Development within the Caeau Mynydd Mawr SPG Area**

**Proposals will be permitted where they accord with the Council’s commitment to promote and contribute to the delivery of the Conservation Objectives of the Caeau Mynydd Mawr Special Area of Conservation (CMM SAC) in line with the Habitats Directive. Where applicable, proposals in the SPG area will be required to contribute towards increasing the quality and amount of suitable habitat for Marsh Fritillary butterfly available within the SPG Area. The SPG Area is defined on the Proposals Map.**

**In order to achieve these objectives, and to mitigate for the loss of potential supporting habitat and connectivity for the marsh fritillary butterfly that may result through the development, the Council will, where applicable, seek to secure Planning Obligations (in accordance with policy GP3 and the provisions of the SPG for the CMM SAC) from relevant developments within the SPG area. The agreed contribution will be negotiated on a case by case basis subject to the provisions and requirements of the CMM SAC SPG.**

In that the application does not include a contribution towards off site mitigation in accordance with Policy EQ7 and the adopted Supplementary Planning Guidance.