

**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 09 CHWEFROR 2017
ON 09 FEBRUARY 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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	09 FEBRUARY 2017
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/32298
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Application Type	Full Planning
Proposal & Location	FULL PLANNING APPLICATION FOR THE ERECTION OF A CLASS A1 (SHOP) UNIT WITH SERVICE ROAD, CAR PARK AND ASSOCIATED INFRASTRUCTURE AT LAND ADJACENT TO LEEKES, HEOL STANLLYD, CROSS HANDS, LLANELLI, SA14 6RB

Applicant(s)	LEEKES LIMITED - GERALD LEEKE, MWYNDY BUSINESS PARK, PONTYCLUN, RHONDDA CYNON TAFF, CF72 8PN
Agent	RPS PLANNING & DEVELOPMENT - MR ROSS BOWEN, PARK HOUSE, GREYFRIARS ROAD, CARDIFF, CF10 3AF
Case Officer	Gary Glenister
Ward	Llannon
Date of validation	09/07/2015

CONSULTATIONS

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

Head of Technical Services (Drainage) - Had initial concerns given a culverted water course crossing the site which had not been identified in the submission. However this has been identified and a revised FCA submitted to address the concerns.

Llannon Community Council - No observations received to date.

Local Members - County Councillor E Dole has not commented to date. County Councillor M K Thomas is a member of the Planning Committee and has made no prior comment.

South Wales Trunk Roads Agency (SWTRA) on behalf of the Welsh Government – Has no objection to the proposed development.

Natural Resources Wales – Has no objection to the proposed development.

The Coal Authority – Had concerns over the initial scheme however has no objection to the amended proposal as it is not affected by past mining activity.

Dwr Cymru/Welsh Water – Has no objection to the proposed development.

Neighbours/Public - The application has been publicised by the posting of 6 Site Notices on the initial scheme and further consultation on the amended scheme which omitted the retail terrace and 7 No responses have been received to date raising the following matters:-

- No benefit to the community.
- Traffic impact.
- Impact on trunk road.
- Ecology of grassland verges.
- Inadequate parking provision (existing and proposed retail units).
- Conditions.
- Location – sequentially out of centre.
- Retail need/impact.
- Marsh Fritillary Butterfly impact.
- Coal mining.
- Loss of aspect within business park.
- Active travel – cycle provision.

RELEVANT PLANNING HISTORY

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

S/28778	Single storey polytunnel structure Full planning permission	18 October 2013
S/00546	Extension to front elevation Full planning permission	09 May 1997
GW/02549	Training room and storage area Full planning permission	12 November 2002
D5/17287	Additional warehousing Full planning permission	14 December 1995
D5/14018	Extension at rear of existing store area for added warehouse space, administration block and staff facilities Full planning permission	09 September 1991
D5/11314	Retail/office extension Full planning permission	20 February 1989
D5/9138	Extending existing retail and storage structure Full planning permission	15 May 1986
D5/7763	Home improvement centre Full planning permission	17 May 1984
D5/6716	Light industrial/retail Full planning permission	28 October 1982 (31 May 1983)
D5/6097	Light industrial/retail development	

Full planning permission

23 January 1982

D5/5733

Light industrial site
Full planning permission

03 June 1981

APPRAISAL

This planning permission is subject to the developer entering into a Section 106 Agreement with Carmarthenshire County Council regarding the Marsh Fritillary Butterfly (Caeau Mynydd Mawr Special Area of Conservation SPG) and Active Travel within the Business Park.

THE SITE

The application site forms part of the existing car park serving a well-established department store within the defined retail area of the wider Cross Hands Business Park. The area is therefore primarily hard standing parking areas, however does contain a degree of grassed roadside verge which forms amenity landscaping within the Business Park.

The site is relatively flat and forms a plateau formed from the old Cross Hands Colliery in the early 1980s as part of a large scale regeneration scheme. The Business Park is accessed both via the A48 roundabout and a grade separated junction to the South East so is accessible and well related to the local and strategic highway network.

The existing car parking is under used and over a number of years has formed an informal area for commuter car parking and overspill for the car dealerships opposite.

The site is within a mixed commercial area which comprises shops and other businesses. The application site is approximately 100m to the South East of the Co-op supermarket which is earmarked for expansion and development with a recently granted planning application under reference S/33909. An outline application including scale was submitted on the Co-op site in May 2016, which seeks the principle of the remodelling and enlargement of the existing Co-operative store with the addition of 519 sqm of convenience retail floor space, and formally subdividing to form a second unit within the existing building. In addition, a retail terrace of 6 units (indicatively) increasing the retail floor space over two floors by 2,796 sqm to a total of 7,455 sqm gross. Furthermore, a 306 sqm drive through coffee shop is also proposed. The proposal is entirely within the grounds of the existing Cooperative store and takes up space currently used as car parking, landscaping and the petrol filling station which is not proposed to be replaced within the scheme. That planning application has now been approved.

There is a regeneration site approximately 500m to the North West of the application site, beyond the A48 roundabout, which has recently been granted planning permission for a Retail Park (S/33609) and is currently under construction. The Cross Hands West scheme comprises a mix of A1 convenience and comparison retail including a food store (2,150 sqm gross), a terrace comprising a variety store and smaller comparison and convenience units (6,882 sqm gross) and A3 food and drink, including a family pub & restaurant, drive through coffee shop and smaller units, along with ancillary car parking (521 spaces) and landscaping.

The site is also approximately 500m to the North West of an extant full permission dating from 2008 at the old Farmer's Co-operative site, which comprises a terrace of retail units

totalling 5,475 sqm gross of retail space which is partly an open A1 non-food retail (2,607 sqm) and the remainder bulky goods. Engineering works have taken place on the site, thus implementing the permission, however no building works have taken place.

In addition, within the Ammanford Cross Hands Growth Area a long standing application (E/28015) is still pending in Ammanford, which should be considered when examining the proposal. The Ammanford scheme is an outline application for a 4,413 sqm (gross) food store on a 3.09 ha site submitted in 2013. This site is outside the retail centre of Ammanford and is outside the 2-300m zone which is defined as 'edge of centre'. This site is not allocated for retail and forms an out of centre location so is not considered to be sequentially preferable to the proposal. The consultants advising the County Council on retail matters do not consider that this pending application affects the determination of the current Cross Hands schemes.

Without prejudice to other issues being considered, the Local Planning Authority has assessed each scheme independently and within the context of the other schemes in Cross Hands, and has employed the services of an independent consultant to assess the qualitative and quantitative capacity for the three approved / pending schemes along with existing retailers and the extant permission at the former Farmer's Co-operative site.

THE PROPOSAL

Full planning permission was originally sought for a 2,148 sqm gross retail store, 3,578 sqm retail terrace comprising 5 units and two retail / food units measuring 278 sqm on the Leekes Car Park.

However, as a result of concerns over past mining activity, the retail terrace was removed from the scheme in October 2015 and the single retail unit increased in size to 2,613 sqm (1,424 sqm net). The amended application now therefore only seeks permission for a single food store. The applicant is Leekes itself, however the proposal has been assessed on the basis of a discount retail unit with Lidl as the stated end user.

Externally, the retail unit is proposed to have rendered lower walls with cladding above under a sheet metal mono pitch roof. The front elevation is broken up with high level fenestration. The elevation facing the west is proposed to be primarily glazed, wrapping around to form a glazed entrance feature facing the car park.

The retail unit is proposed to be serviced from the rear with a new service road proposed, which crosses the Leekes car park and runs parallel with Heol Parc Mawr around to the rear of the store with egress via an existing but unused access point onto Heol Parc Mawr.

The application is accompanied by a retail statement that has been scrutinised individually and in the context of the other retail proposals in Cross Hands. There have been several revisions to the information to reflect changes to the scheme itself and as a response to requests to ensure consistency in assessment with the other Cross Hands schemes. The application confirms that there is capacity in the County and local catchment to accommodate the proposal. This has been independently assessed.

The application has been accompanied by a Transport Statement which has been updated to reflect changes to the scheme. There is also a supplementary Transport Statement and Travel Plan which has been assessed by the Highways Section and SWTRA.

An ecological appraisal and Flood Consequence Assessment (FCA) has also been submitted to ensure that issues have been properly considered. The FCA has been amended on identification of a culverted watercourse which crosses the Leekes car park which however does not affect the proposal.

The store is proposed to be served by a 110 space car park within the red line application site. In addition, there is a dedicated overspill area proposed within the Leekes car park immediately adjacent, so the total provision is 136 spaces. As the application site is currently parking, which would be lost to Leekes, the applicant has agreed to carry out alterations to the Leekes site to provide additional car parking in order to keep the status quo in terms of the quantum of parking. The applicant has submitted a plan showing areas of additional parking within the front car park, and two areas of additional parking to the rear where the builder's yard is currently situated. If approved, provision of the additional parking will be necessary prior to the commencement of development.

PLANNING POLICY

In the context of the current development management policy framework, the site is within the settlement development limits of Cross Hands as defined in the Carmarthenshire Local Development Plan (LDP) Adopted 10 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 and TAN12: Design (2016)).

The nature of the Retail part of the Business Park has changed since its inception and has grown into a mixed retail area with a combination of convenience and comparison goods sold from a variety of units.

Policy SP8 Retail states:

Proposals will be permitted where they maintain and enhance the existing retail provision within the County, and protect and promote the viability and vitality of the defined retail centres. Proposals for small local convenience shopping facilities in rural and urban areas where they accord with the settlement framework will be supported.

The proposal would enhance the retail element of the Business Park in terms of providing choice and linked trips.

The LDP does not seek to repeat the guidance in PPW regarding the appropriate location of retail development, but relies on the guidance in that document.

Policy TR2 Location of Development – Transport Considerations states:

Proposals which have a potential for significant trip generation will be permitted where:

- a) It is located in a manner consistent with the plans strategic objectives, its settlement framework and its policies and proposals;
- b) It is accessible to non-car modes of transport including public transport, cycling and walking;
- c) Provision is made for the non-car modes of transport and for those with mobility difficulties in the design of the proposal and the provision of on-site facilities;

Travel Plans have been considered and where appropriate incorporated.

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.”

Paragraphs 2.2, 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) state:

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.

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.

National Retail Planning Policy is provided in Planning Policy Wales Edition 9 November 2016, as follows:

In respect of retailing, paragraph 10.1.4 states “The Welsh Government adopts the ‘town centres first’ principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. Wherever possible, retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing. Such co-location of retail and other uses in existing centres, with enhancement of access by walking, cycling and public transport, provides the opportunity to use means of transport other than the car. This mix of

uses sustains and enhances the vibrancy, attractiveness and viability of those centres as well as contributing to an increase in linked trips and a reduction of travel demand.”

Paragraph 10.2.13 states “The sequential approach to development applies to all retail and other uses that are complementary to retail and commercial centres. Local planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications. The sequential approach supports the principle that retail and commercial centres are in the most readily accessible location, and promotes combined trips for shopping, business, leisure and services. The approach reinforces the vibrancy, viability and attractiveness of retail and commercial centres.”

Paragraph 10.2.14 states “Adopting a sequential approach requires the application of a sequential test whereby first preference should be for a site allocation or development proposal located in a retail and commercial centre defined in the development plan hierarchy of centres. The proposed use (see 10.1.4 above) is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for this process. The extent of any sequential test should be agreed by pre-application discussion between the local planning authority and the developer at the outset of the development management process. This should indicate which retail and commercial centres should be examined for potential sites or buildings. If a suitable site or building is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.”

PPW also allows for other mixed use sites to be identified. Paragraph 10.2.15 states “When preparing development plans local planning authorities should take a positive approach, in partnership with the private sector, in identifying sites which accord with the sequential approach and are in line with a development plan’s retail strategy in terms of the size, scale and format of new developments needed. Local planning authorities should also conduct an impact assessment where required to determine how a future development may affect nearby retail and commercial centres. In allocating sites for different types of retail and commercial centre uses local planning authorities should take account of factors such as floor space, quality, convenience, attractiveness of the site and traffic generation. They should not, however, prescribe rigid floor space limits on allocated sites that would unreasonably inhibit the retail industry from responding to changing demand and opportunity. Proposals for development may come forward after the development plan has been adopted irrespective of whether the plan provides allocations. These development proposals should be determined in accordance with criteria based policies in the development plan or in relation to other material considerations.”

When considering planning applications paragraph 10.3.3 states “Where need is a consideration, precedence should be accorded to establishing quantitative need. It will be for the decision-maker to determine and justify the weight to be given to any qualitative assessment, as outlined in paragraph 10.2.10. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms, though they may be material considerations in making a decision on a planning application.”

Paragraph 10.3.6 states “For major new retail proposals, local planning authorities should consider not only the incremental effects of that proposal but also the likely cumulative effects of recently completed developments, together with outstanding planning permissions and development plan commitments, in the catchment areas of those centres.”

The longer terms impact is addressed in paragraph 10.3.11 “Edge of centre or out-of-centre retail developments may seek over time to change the range of goods they sell or the nature of the sales area, for example by subdivision to a mix of smaller units, or to a single ‘department’ store. Sites might come up for redevelopment or be extended, or additional floor space (possibly in the form of mezzanine floors) might be proposed. Local planning authorities should anticipate such future changes to retail developments (which are likely to impact upon the vitality, attractiveness or viability of a town centre) by placing conditions on the initial permission and on any subsequent variation allowed. Conditions might be appropriate to prevent the development from being subdivided into a large number of smaller shops, to limit the range of goods sold or to restrict the amount of floor space. Applications to remove or vary such conditions should be considered in accordance with this guidance.”

THIRD PARTY REPRESENTATIONS

The impact of traffic generation, individually and in combination with other proposals, has been assessed by consultants on behalf of the Head of Transport. The conclusion of which is that there is capacity within the highway network to accommodate the scheme, and if the Co-op proposal comes forward also, the traffic for each individual scheme is reduced due to linked trips. SWTRA on behalf of the Welsh Government has also assessed the proposal to ensure that there would be no adverse impact on the Trunk Road, and has no objection.

There is third party concern that there is inadequate parking provision for the proposal, along with the existing Leekes store, given the fact that the proposal is on part of the existing car park. This has been carefully considered by the Head of Transport to ensure that there is adequate parking for both the existing and proposed stores. It is considered that the existing store needed to maintain the status quo, as well as providing an adequate parking level for the new proposal in accordance with the parking standards. The conclusion of the assessment is that the existing site has 431 spaces to the front of the store (as demonstrated in the applicant’s Transport Note - Parking), therefore this is the figure that needs to be maintained. The applicant has demonstrated that there are opportunities to increase parking within the existing car park and has identified two areas to the rear of the store which are currently used for waste and external storage associated with the builders yard. The combination of the front and rear parking alterations would ensure no loss of spaces for the existing and adequate parking for the proposed. It should be noted that these engineering works will require detailed permission. The applicant is Leekes itself, therefore it has control over the blue land so any necessary alterations can be conditioned. Therefore, if approved, a Grampian condition is recommended stating that a parking scheme on the land edged blue shall be approved and implemented prior to commencement of the development subject to this application. This will necessitate an application for engineering works to be submitted, approved and completed prior to the loss of existing parking.

Third parties have questioned the practicality, usability and deliverability of the revised parking for Leekes and the implications on parking if the existing Leekes store changed hands and was used by an alternative retailer. As stated above, Leekes have control over the wider site, so can (subject to permission) provide the spaces as shown. Leekes has the control over any ‘Lidl’ spaces shown on the blue land through its sales agreement and this is a private contractual matter and not a material planning consideration. There are

implications for the existing business in terms of loss of the external storage at the builder's yard etc., however this is a commercial decision for the company to make as to whether they wish to amend their business model. In terms of practicality, the store has a rear entrance already which provides a direct link into the store, so this is not considered material. The existing provision is said to be inadequate to serve an open A1 retail use when compared to modern standards. However, it should be noted that the original store was approved in 1984 and parking standards cannot be applied retrospectively. Therefore, it is considered that as long as the status quo is maintained, the parking for the existing store is adequate. If at some point in the future, the site is redeveloped, the current standards would apply to the new retail unit and provision would therefore be sought.

There is further third party concern that the proposal would have a detrimental impact on the Trunk Road, claiming this has not been adequately assessed. In particular Saturday pm peak has not been included in the transport statement. It should however be noted that the busiest flow is Friday pm peak not Saturday, so the applicant has modelled the worst case scenario. The transport models and conclusions have been scrutinised independently by the Council, and by SWTRA on behalf of the Welsh Government. The Welsh Government submitted initial comments which included Grampian conditions requiring off site highway improvements prior to commencement of development. However, the applicant has no control over the Trunk Road Roundabout or the provision of the Eastern Bypass so the requirement for conditions was removed. After further discussion the Welsh Government is content that the trunk road has been satisfactorily assessed and that the modelling is based on sound information and therefore has no objection to the proposed development.

There is concern that the location of the proposal is sequentially out of centre and therefore not appropriate. It should however be noted that the LDP designates part of the Cross Hands Business Park as a Retail Park, and the site is within this designation, so the principle of retail is considered acceptable and has been through Public Examination. As set out below, the location has been sequentially tested by independent retail consultants on behalf of the County and there are no preferable sites available. The proposed site is therefore considered to be acceptable.

Retail need/impact has been carefully assessed by independent consultants on behalf of the County Council to ensure consistency with the County wide retail study. In this case, the retail assessment has also been assessed in light of two other planning applications approved at Cross Hands West (S/33609) and the Co-op (S/33909) respectively, along with an extant permission for a third scheme at the old Farmers' Co-operative site within the business park (S/17742) which should be considered when examining the proposal. The four retail schemes have been carefully considered in order to ascertain the retail need in the area and likely impact on town centres.

The site is within the Caeau Mynydd Mawr study area which relates to the Marsh Fritillary Butterfly. In order to comply with the Habitat Regulations which give effect to the EU Habitat Directive, any development within the study area is considered to have an impact either alone or in combination, on the connectivity of sites and habitats within the study area and therefore has to make a contribution towards the wider strategy. This approach has been set out in Supplementary Planning Guidance and tested at appeal and examined through the LDP process to ensure that development is Habitat Regulation compliant. In this case, the site is a car park, and will mostly be retained as car parking, however the building would affect connectivity and there is an additional access road to the rear to service the site. Therefore, it has been calculated that a contribution of £12,829 is required based on the footprint of the building and service road. The applicants have agreed to pay this figure, and

have agreed to submit a unilateral undertaking if the Committee resolves to approve the scheme. The recommendation is therefore qualified as being subject to the submission of a legal agreement under Section 106 of the Town and Country Planning Act.

Past coal mining activity on the site has been identified by the Coal Authority who objected to the originally submitted application on the basis that the retail terrace was affected by the workings. As a result, the application was amended to exclude the retail terrace and smaller retail units, leaving only the food store. The Coal Authority has been consulted on the amended scheme and has no objection.

The potential ecology of the grassland highway verges has been identified by the County Ecologist and the Wildlife Trust. It is said that the verges contain a rich mix of species which would need to be retained or translocated in any scheme. The applicant has agreed to undertake a survey at an appropriate time of the year which will identify any species present and recommend a mitigation strategy. If approved, this is therefore recommended to be conditioned as set out below.

There are no community benefits in terms of financial contributions, however the community would benefit from an increased range in retailers within the settlement. The existing Aldi is over trading, so the proposal would spread the trade more evenly.

There is concern that the development of the site would reduce intervisibility within the Business Park and therefore result in loss of aspect for businesses that would be to the rear, when viewed across the site from Heol Stanllyd. It should be noted that the nature of the Business Park is that there is a circulatory system with units around the outside and land in the middle. There would inevitably be a loss of aspect from one road to another if the central section is developed, however this is the spatial character of the Business Park.

The Active Travel Act (Wales) 2014 is a relatively new piece of legislation which seeks to encourage sustainable transport. The Carmarthenshire Cycle Forum are promoting their interests via the Act and consider that cycling provision should be made within the site. It should be noted that cycle parking has been required as shown on the plan and also a contribution of £10,000 towards a cycle link between the A48 roundabout and the cycle way that has been provided as part of the access road to serve the Cross Hands East employment site.

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 regulations.

The application has been carefully assessed on its own merits and in light of the other approved and pending applications in terms of highways, retail need, impact and the location of the proposals. The retail impact assessment has been scrutinised by independent

consultants on behalf of the Council to ensure the information is consistent with the County wide retail study, and consistent with the other schemes to ensure a robust analysis.

The retail pattern in Cross Hands has been dominated of late by the extant permission at Cross Hands West for a 8,375sqm gross Sainsbury's store which forms an extant permission at that site. The retail assessment was therefore initially scrutinised in light of the extant permission which was then in doubt over implementation. The initial assessment stated that there was insufficient need for an additional store alongside the single unit approval, however if a smaller store was developed, there would be capacity. Subsequently, an alternative scheme has been approved (S/33609) and implemented, thus superseding the single user scheme and confirms that there would be a range of units on the Cross Hands West site rather than the single user. The range of units proposed will increase convenience floor space slightly but have a significantly lower turnover, which allows capacity for an additional convenience retailer. The assessment is set out below in summary.

Retail Need

The application is for an A1 convenience store, however the scale and design lends itself to a discount food store and Lidl is stated as the named operator. The retail comparison and retail assessment has been based on a discount retailer at Leekes.

The catchment spending potential has been identified using 2011 census data and population projections, so that the proposed turnover of the retail schemes can be assessed in terms of need. An assessment has also been made regarding the amount of retention of retail spend within the catchment and likely diversion of trade from other settlements in order to confirm whether there is likely to be retail need for the proposals and assess the impacts on other settlements.

Currently, Cross Hands convenience shopping market share within the County is just 7.8% or £29.12m with significant leakage of expenditure to other settlements (in 2015 only 51% of expenditure was retained within the catchment area). The leakage is spread between numerous settlements and stores within each settlement, therefore it is considered that there is capacity to increase the retention figure within the Cross Hands catchment without unacceptable harm elsewhere. With the decrease in projected convenience turnover proposed at Cross Hands West on the alternative scheme compared with the original scheme (approximately £20m decrease albeit adjusted to take account of likelihood it will be a mainstream retailer) it is considered that there is capacity to accommodate the Leekes scheme.

The assessment concludes that provided the market retention within the catchment area increases to 75%, there is potential capacity within the catchment for all three proposed schemes in addition to the existing and extant retail units. This would see an increase of Cross Hands share of the County retailing increase from 7.8% to 17.4% of the County expenditure. The Sainsbury's permission accepted a retention figure of 70%, for a single store. Without prejudice to the consideration of each proposal on its merits, it is not unreasonable to conclude that the qualitative improvement of the retail draw from the variety of stores over three sites, along with the draw of the pub/restaurant at Cross Hands West and drive through coffee outlets at Cross Hands West and Co-op would increase the retention figure by an additional 5% as required if all three sites were approved.

On this basis, in respect of the Leekes proposal individually and in combination with other schemes, Cross Hands is considered to have sufficient capacity to accommodate the proposed A1 food retailer.

Retail Impact

The impact of the proposal on town centres has been assessed both alone and in combination with the other schemes. The conclusion of the assessment is that the greatest impact would be on the other schemes / existing retailers at Cross Hands itself, however these are out of centre stores so this is not considered to be an unacceptable impact in planning terms. In terms of other convenience retailers, the impact is spread out over a number of stores throughout the area. The impact alone and in combination is not considered to be unacceptable given that the stores impacted are primarily not within town centres. It should be noted that the current schemes in combination would have the greatest impact on Aldi in Cross Hands which is currently trading at 287% of benchmark, and the Co-op. However, to address this impact, there is a scheme for the redevelopment of the Co-op site which has recently been approved.

Given the fact that the impact on other convenience stores is spread over numerous locations, most of which are not within defined town centres, there is unlikely to be a significant impact on the vitality and viability of town centres from the proposal. The assessment concludes that in terms of the impact of the proposal on the existing, approved and proposed schemes in Cross Hands and Ammanford, the sites are not located in a defined town centre, therefore competition between the schemes is not a planning consideration.

Location

Local and national policy directs major retail to town centres as the first presumption then edge of centre locations before considering out of centre locations. In context, Cross Hands has no defined town centre however it is part of the dual-core growth area along with Ammanford and it is acknowledged in the County Retail Assessment that there is scope for additional retail to serve the Growth Area. The site forms part of an existing car park which serves an established department store and is within the area of the Cross Hands Business Park designated as a Retail Park in the LDP. The site is well related to other retail uses within the Business Park and would therefore benefit from linked trips.

The independent retail consultant acting on behalf of the Council has done a comprehensive assessment of alternative sites taken from the three retail assessments. Only one site had not been taken into consideration by the applicant, however supplementary information has been submitted which reveals that on closer examination, the site is too small to be practical. The pending application in Ammanford is not considered to be preferable as it too is considered to be out of centre. It is concluded that the proposal is in an appropriate location and there were no sequentially preferable locations, and is therefore in accordance with planning policy.

Regarding other matters, the applicant has agreed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide £12,829 towards a specific scheme falling within the Caeau Mynydd Mawr project, therefore it is considered that there would be no significant effect on the Marsh Fritillary Butterfly.

The applicant has also agreed the payment of a contribution of £10,000 towards the cost of a cycle link between the A48 roundabout and the link road, which will ultimately connect through the expanded Business Park to the Eastern bypass. This link constitutes the only gap in the cycle network within this area. The highway section is developing a scheme for the Business Park link so contributions are being sought towards the overall scheme rather than seeking individual schemes from developers. This complies with the requirements of the Active Travel Act.

After careful consideration of the site and surrounding environs, in light of the information submitted and responses to consultation, it is considered that on balance, the site is part of an existing Retail Park within the wider Cross Hands Business Park as designated in the LDP, and part of the car park of an existing well established retail unit. After assessment of the details submitted, it is considered that the proposal is acceptable in terms of the design and appearance, and is unlikely to have an adverse impact on the existing department store, highway safety or third parties. There is retail need and capacity to accommodate the proposal and it is not likely to have an adverse impact on the vitality and viability of town centres, therefore the proposal is considered to be in accordance with the above policies.

The application is therefore recommended for approval subject to a Section 106 Legal Agreement as set out above.

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:-
 - 1:200 & 1:1250 scale Site Sections. Drawing No. 90-205 dated 23 October 2015;
 - 1:200 scale Retail Unit Floor Plans. Drawing No. 20-200 dated 23 October 2015;
 - 1:200 scale Retail Unit Roof Plan. Drawing No. 20-201 dated 23 October 2015;
 - 1:100 scale Retail Unit Elevations. Drawing No. 20-202 dated 23 October 2015;
 - 1:500 scale Planting Details. Drawing No. 2015/88RevB dated 17 November 2015;
 - 1:750 scale Proposed Site Planting Details. Drawing No. 2015/83RevB dated 17 November 2015;
 - 1:250 scale Foul Sewer and Surface Water Layout [drainage details only]. Drawing No. 3021RevT1 dated 21 January 2016;
 - 1:500 scale Site Boundary Plan [regarding culvert alignment only]. Drawing No. SK-90-206 dated 1 June 2016;
 - 1:500 scale Site Boundary Plan. Drawing No. SK(90)206RevD dated 21 July 2016.
- 3 Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015, there shall be no

mezzanine floors (other than what is shown on the plans hereby approved) installed in the shop without express planning permission.

- 4 The retail floor space hereby approved shall not be subdivided into smaller units without express planning permission.
- 5 The approved Detailed Landscape Design Scheme, as defined in the following submitted documents: Planting Details and Proposed Site Planting Details dated 17 November 2015 shall be fully implemented in the first available planting and seeding seasons following the commencement of development.
- 6 Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation are removed; die; or become in the opinion of the Local Planning Authority, seriously diseased; damaged or otherwise defective, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification, to the written approval of the Local Planning Authority.
- 7 No development herewith approved shall be commenced until a detailed parking plan for the existing retail store on the land edged blue, as defined on the 1:500 scale Block Plan dated 21 July 2016, has been submitted to and approved in writing by the local planning authority. This shall show the maintenance of the current levels of parking to serve the existing store (431 spaces) and any additional spaces as required by Condition 8 to serve the development hereby approved (26 spaces). The parking spaces shall be provided in full prior to commencement of the development hereby approved on the land edged red and shall be retained in perpetuity.
- 8 Prior to any use of the development herewith permitted, a total of 136 car parking spaces (each measuring a minimum of 2.6m x 4.8m, hard surfaced and surface delineated in accordance with the CSS Wales' Parking Standards 2008), shall be made available within the land edged red and edged blue dedicated to serve the proposed convenience store and thereafter maintained at all times. Where the layout and number of car parking spaces require separation by traffic aisles these shall be a minimum of 5.5m width.

- 9 Prior to any use of the development herewith approved, a total of at least 8 no car parking spaces of the 136 car parking spaces required by Condition 8, shall be provided hard surfaced and surfaced delineated, as set out in accordance with the CSS Wales' Parking Standards 2008, and reserved for the use of disabled people.
- 10 Prior to any use of the development herewith approved, 6 no. cycle stands for long stay and 6 no cycle stands for short stay use shall be provided to the written approval of the Local Planning Authority.
- 11 Prior to any use of the development herewith approved, 7 no. motorcycle spaces shall be provided to the written approval of the Local Planning Authority.
- 12 The Travel Plan (Reference 14-00347/TP/01 September 2016 received 2 December 2016) shall be implemented in full prior to the beneficial use of the proposed convenience store.
- 13 The net retail floor space hereby permitted shall not exceed a maximum 1,424 sqm, of which no more than 20% shall be given over to the sale of comparison goods.
- 14 No development herewith approved shall be commenced until an ecological survey has been carried out on the grassed areas of the site and the results and recommendations along with a timetable of works have been submitted to the Local Planning Authority. Any recommendations shall be carried out in full within the recommended timetable.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2,5+6 In the interests of visual amenity.
- 3,4+13 In the interests of preserving the retail vitality and viability of town centres.
- 7-12 In the interests of highway safety.
- 14 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 & SP8 the LDP in that the retail unit is an acceptable form of development at a strategic location within the settlement development limits of Cross Hands 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. Further, a contribution of £10,000 has been agreed towards an Active Travel scheme within the Business Park.
- The proposal complies with Policy EQ7 of the LDP in that a contribution of £12,829 has been agreed towards a specific scheme which is part of the wider Caeau Mynydd Mawr project in order to be Habitat Regulations compliant.

NOTE(S)

- 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.

- 3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).
- 4 The applicant/developer's attention is drawn to the requirement to comply with a legal agreement pursuant to Section 106 of the Town and Country Planning Act in respect of a contribution of £12,829 towards a specific identified scheme within the Caeau Mynydd Mawr project in accordance with the Caeau Mynydd Mawr SPG in order to comply with the Habitat Regulations and £10,000 towards an Active Travel scheme within the Business Park.

Application No	S/34584
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Application Type	Outline
Proposal & Location	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO AND TO THE REAR OF, 55-62 MAESYDDERWEN, LLANGENNECH, LLANELLI, CARMARTHENSHIRE, SA14 8UW

Applicant(s)	CARMARTHENSHIRE COUNTY COUNCIL - MRS WENDY WALTERS, COUNTY HALL, CARMARTHEN, SA31 1JP
Case Officer	Paul Roberts
Ward	Llangennech
Date of validation	24/10/2016

CONSULTATIONS

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

Llangennech Community Council – Has not commented on the application to date.

Local Member – County Councillors W G Hopkins and G Thomas have not commented on the application to date.

The Coal Authority – Has raised no objection to the application subject to the imposition of a condition requiring the submission and approval of an intrusive site investigation of the land prior to the commencement of the development.

Welsh Water/Dwr Cymru – Has not commented on the application to date.

Neighbours/Public – The application has been publicised by the posting of a number of site notices within the Maesydderwen Estate while a neighbouring property located outside the estate has also been notified of the application in writing. In response, no letters of representation have been received to date.

RELEVANT PLANNING HISTORY

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

S/01509	Construction of 4 no. residential houses, the external refurbishment to existing nos. 53 & 54 (inc. roof dormers, g.f. toilet extension with adjacent front porch), tree planting to vacant parcel of land Full planning permission granted	26 October 1998
S/00864	The demolition of 46 no. b.i.s.f. dwellings; construction of 26 new houses and 3 new bungalows; forming of a temporary (2 years approx.) new vehicular access Full planning permission granted	19 November 1997

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest in terms of land ownership.

THE SITE

The application site consists of an irregular shaped parcel of land located within the Maesydderwen estate in Llangennech. It extends to approximately 0.22 hectares and consists of a vacant area located between the northern periphery of the estate and a belt of mature trees and hedgerows that runs contiguous with its northern boundary.

The site is largely overgrown and unkempt being dominated by dense scrub. The scrub is particularly dense around the periphery of the site while there are areas of semi improved grassland towards its centre. The site's southern boundary is defined by the rear boundaries of existing properties within the estate. The land is set at a higher level than the existing properties and slopes down gently towards its southern and eastern boundaries. It fronts on to the existing estate road at both its south western and south eastern corners with the latter consisting of high face brick walling.

The surrounding Maesydderwen estate consists mainly of a mix of semi-detached houses and bungalows. There is a large detached bungalow in the northern part of the estate close to the western boundary of the site which provides a specialist supported living facility to the residents therein. The land to the north of the site beyond the trees and hedgerows consists of the curtilage of a large detached property and a neighbouring wooded area.

THE PROPOSAL

The application seeks outline planning permission for residential development with all detailed matters reserved for future consideration. As such, the application seeks to establish the principle of residential development on the site.

The application includes an indicative development layout which shows the siting of two semi-detached houses and two detached bungalows within the site. The semi-detached houses are sited in the western part of the site forming a continuation of the existing pattern of houses and having a frontage onto the estate road. The bungalows take up the remainder of the site being set within generous curtilages. The easternmost bungalow fronts directly onto the estate road while the second is set to its rear having its own separate access. Indicative sectional drawings show the levels of the site being reduced to accommodate the four dwellings.

A survey of the trees and hedgerows within the site has been submitted with the application together with a preliminary ecological assessment. The former confirms that none of the trees located within the site are of any notable significance whilst recognising the amenity value of those that run contiguous with its northern boundary. A number of these are shown to be the subject of tree preservation orders. The development layout has been designed to retain and safeguard all the trees and hedgerows along the northern boundary ensuring that any built development is located outside the relevant root protection areas. The ecological assessment confirms that the site is of no notable ecological value.

Foul sewage from the development are to be disposed of to the public sewerage system while soakaway systems are to be incorporated within the development to dispose of surface water.

PLANNING POLICY

Local Development Plan

The application site is located within the development limits of Llangennech and allocated for residential development under Policy H1 of the Authority's adopted Local Development Plan. Housing allocation GA2/H54 refers. The allocation includes the land wherein the neighbouring supported living bungalow has recently been constructed. The overall allocation is identified as being capable of accommodating 7 dwellings under Policy H1, however, this is a notional figure for the purposes of the Plan.

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 SP3 states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework wherein Llanelli is identified as a Growth Area which are identified as established urban areas located on sustainable transport routes which are capable of accommodating proportionally high level of growth.

Policy SP14 requires that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

Policy SP17 states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

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.

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 H1 allocates land for residential development for the plan period to 2021.

Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations or to contribute via the Community Infrastructure Levy 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. The site falls within the Llanelli sub-market area whereby a 20% proportion of affordable housing is sought for development 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 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 where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

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.

Policy REC2 requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards unless there is sufficient existing provision available. In such cases an off-site financial contribution will be sought.

National Planning Policy

Planning Policy Wales (PPW) (Edition 9, November 2016) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. The Welsh Government supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance.

The document refers to the Welsh Government's approach, as set out in its National Housing Strategy, to provide more housing of the right type and to offer more choice while ensuring that new housing and residential environments are well designed and make a

significant contribution to promoting community regeneration and improving the quality of life. Further emphasis is placed on the requirement to ensure that new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Para 9.1.2 of PPW goes on to highlight that local planning authorities should, amongst others, promote sustainable residential environments that are easily accessible by public transport, walking and cycling, have good access to employment, retail and other services and make the most efficient use of land.

PPW is supplemented by a continually updated series of Technical Advice Notes (TANs). The following TANs are relevant in the consideration of this application:

TAN2 - Planning and Affordable Housing provides guidance on the role of the planning system in delivering affordable housing.

TAN 5 (Nature Conservation and Planning) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN12 (Design) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

THIRD PARTY REPRESENTATIONS

No third party representations have been received in respect of the proposal to date. The application is presented to the Committee on the basis that the County Council owns the site while also being the applicant.

CONCLUSION

After careful examination of the site and its surrounding environs, together with the representations received to date, the residential development of the site is considered to be acceptable and will be in keeping with and complement the general character and appearance of the surrounding Maesydderwen Estate. The site is allocated for housing purposes and its development complies with the key policy and sustainability objectives of the Authority's adopted Local Development Plan and National Planning Policy. Furthermore, it is of note that parts of the site have previously had the benefit of planning permission for residential development.

The development will provide new housing on what is essentially a vacant and underused parcel of land that has an unkempt appearance in the estate. The properties will be well related to the existing services and facilities in Llangennech as well as being within easy access of existing public transport facilities.

The general scale, design and layout of the scheme submitted in support of the application responds well to the site's setting in the wider area. Its spatial layout is not at variance with the character of the surrounding area and will serve to round off the existing estate. Moreover, the proposal will cause no unacceptable material harm to the amenity of adjacent properties.

The proposal also satisfies the sustainability requirements of the LDP from an environmental quality and utility provision perspective by implementing a drainage strategy that will dispose of foul and surface water in a sustainable manner. Furthermore, there are no highway or ecological objections to the development.

The development will accrue benefits to the local community in the form of affordable dwellings and should the final development exceed four no. dwellings, the applicant/developer will also be required to make a financial contribution towards the improvement of existing open space and play facilities in the local area. The affordable housing contribution will be secured by means of a suitable planning condition whilst, given the County Council is the applicant, any financial contribution will be secured via a sales agreement should the land be sold whereby the prospective purchaser will be required to enter into a Section 106 agreement that will secure the requisite level of contributions

Accordingly, the application is put forward with a favourable recommendation.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 2 The permission hereby granted relates to the land defined by the 1:1250 scale location plan (1) received on 7 July 2016.
- 3 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.
- 4 Development shall not commence until detailed plans of appearance; landscaping; layout; and scale of each building stated in the application, together with the means of access thereto, have been submitted, and received the written approval of the Local Planning Authority.
- 5 Cross sections taken through the site detailing the finished floor levels of the proposed dwellings in relation to the carriageway of the Maesydderwen estate road, the existing ground levels of the site and the adjacent properties shall be submitted as part of any reserved matters application.
- 6 No development shall commence, nor any site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees and hedgerows to be retained on the northern boundary of the site as shown on the 1:500 scale block plan drawing reference OE/CCC-MAESYDDERWEN2 received on 7 July 2016. The scheme shall be in

accordance with British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction and the approved scheme shall be carried out throughout the course of the development and any site clearance works.

- 7 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 frontages within 2.0 metres of the near edge of the highway.
- 8 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.
- 9 No development shall commence until a detailed Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details throughout the course of the development.
- 10 No development approved by this permission shall be commenced until a detailed scheme and programme for the provision and implementation of surface water drainage works has been submitted to and approved by the Local Planning Authority. Such a scheme shall include a management plan of surface water drainage during the construction phase of the development and shall be implemented in accordance with the approved details and programme of implementation.
- 11 Development shall not commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

- 12 No development shall take place until a detailed method statement for the removal or the long-term management/control of Japanese Knotweed on the site have been submitted to and approved in writing by the Local Planning Authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.
- 13 The landscaping scheme required under condition no. 4 above shall include a detailed Ecological Mitigation Scheme which shall be submitted to and approved in writing by the local planning authority. The scheme shall include detailed design proposals which effectively integrate landscape design solutions with the recommendations of Sections 8.3, 8.4, 8.7 and 8.8 of the preliminary ecological assessment prepared by Hawkswood Ecology dated August 2015 and received with the application on 7 July 2016.

REASONS

- 1 The application is in outline only.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4+5 In the interest of visual amenities.
- 6 In the interests of visual amenity and to safeguard existing trees and hedgerows.
- 7-9 In the interest of highway safety.
- 10 To ensure the installation of an appropriate drainage scheme and to prevent the pollution of the environment.
- 11 To ensure the provision of affordable housing on the site.
- 12 To prevent the spread of Japanese Knotweed which is an invasive species.
- 13 In the interests of visual amenities and 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 proposal complies with Policy H1 of the LDP in that it is allocated for residential development.
- The proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- The proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and will not cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.
- The proposal complies with Policies REC2, AH1 and GP3 of the LDP in that the applicant/developer will contribute towards community benefits as part of the development.
- The proposal complies with Policy EQ4 and SP14 in that the development will not cause demonstrable harm to priority species or their habitats and the natural environment.
- The proposal complies with Policy EP3 of the LDP in that adequate surface water disposal methods can be put in place.

NOTES

- 1 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 2 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 outline 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.

- 3 Should the number of dwellings/units proposed exceed four in number, any prospective purchaser(s) of the land referred to in this planning permission will be required via the Contract of Sale to enter into a S106 Agreement with Carmarthenshire County Council securing the provision of a commuted payment towards open space/play facility improvements in the local area based upon a calculation of £2,463 per dwelling.

Application No	S/34659
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Application Type	Full Planning
Proposal & Location	CONVERSION OF EXISTING AGRICULTURAL BUILDING TO A LOCAL NEEDS/AFFORDABLE DWELLING, RETENTION OF EXISTING CARAVAN FOR A TEMPORARY PERIOD AND NEW ACCESS TRACK AT LAND AT, TY LLWYD, TRIMSARAN, KIDWELLY, SA17 4EN

Applicant(s)	TANYA SHEA, C/O PARC LEWIS, PINGED, BURRY PORT, CARMARTHENSHIRE, SA16 0JN
Agent	HAYSTON DEVELOPMENTS & PLANNANDREW VAUGHAN-HARRIES, THE PLANNING STUDIO, HAYSTON BRIDGE, JOHNSTON, HAVERFORDWEST, PEMBROKESHIRE, SA62 3HJ
Case Officer	Gary Glenister
Ward	Trimsaran
Date of validation	08/11/2016

CONSULTATIONS

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

Trimsaran Community Council – No observations received to date.

Local Member – County Councillor M Gravell has not commented to date.

Neighbours/Public – The application has been advertised by posting of a site notice with 5no replies received to date raising the following matters.

- Impact on Public Footpath;
- Ecology – frogs/newts at the entrance to a culvert that crosses the site;
- Culverted watercourse;
- Removal of hedge/surface water problems;
- Loss of privacy;
- Unauthorised/unsuitable caravan;
- Air pollution from wood burner;
- Barn is not fit for conversion;
- Civil dispute;

- Inadequate finances.

RELEVANT PLANNING HISTORY

There is no relevant planning history in respect of the barns.

APPRAISAL

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

THE SITE

The site is the former farm complex for Ty Llwyd farm. The farm house is now in separate ownership, but the buildings and land have been retained by the applicant. The barn is brick built using local materials rather than traditional stone construction and has attached stables which are not proposed to be converted.

The site is in open countryside on the southern flank of the Lower Gwendraeth Valley approximately 670m south west of the settlement limits of Trimsaran. The site is within a landscape feature known as the "Inland Cliffs" which is the historic coast line and is just 200m outside the special landscape area.

The barn is small and is linear in design in close proximity to the rear of Ty Llwyd farmhouse, measuring approximately 3m from the corner of the house.

THE PROPOSAL

The application seeks permission to change the use of a barn to a local needs affordable dwelling.

The accommodation is proposed to comprise a living area, galley kitchen and separate bedroom and bathroom.

A case has been put forward for the conversion of the barn for an affordable dwelling on the basis of local needs. The applicant has local connections and due to her personal circumstance cannot secure market accommodation. She is not eligible for a Council property as she has an income and has the land and buildings at Ty Llwyd. There is currently a caravan on the site which is not satisfactory so she therefore seeks to convert one of the buildings to a small affordable dwelling to replace the sub-standard caravan. The caravan is sought to be retained during the construction period.

The structural report shows that the barn is structurally sound and capable of conversion and a bat report has revealed that the barn is not used by bats.

PLANNING POLICY

In the context of the current development control policy framework the site is outside the settlement development limits of Trimsaran as defined in the Carmarthenshire Local Development Plan (LDP) Adopted 10 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 Policy (PPW: Edition 7 and TAN12: Design (2014)).

Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use states.

Proposals for the conversion and re-use of buildings in rural areas outside the Development Limits of a defined settlement (Policy SP3) for residential purposes will only be permitted where:

- a) The authority is satisfied that every reasonable endeavour has been made to secure an alternative business use and the application is supported by a statement of evidence to the Council's satisfaction of appropriate efforts that have been undertaken to achieve this;
- b) Any residential use would be a subordinate element associated with a wider scheme for business re-use; or,
- c) The residential use contributes to the provision of affordable housing to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:

- i) The benefits of the initial affordability will be retained for all subsequent occupants;
- ii) It is of a scale compatible with an affordable dwelling and would be available to low or moderate income groups.

Proposals will also be required to demonstrate that the following criteria can be met:

- d) The building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or reconstruction;
- e) The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2017 provides the following guidance.

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 access road to the site is crossed by a Public Footpath which then extends down the adjacent property’s driveway. The applicant is said to have blocked the path by the positioning of a bale. This however is not a planning matter as the obstruction of a footpath is covered by other legislation.

The County Ecologist has not raised concerns regarding frogs or newts on the site. It should be noted that the application is for the change of use of the barn and does not involve new building. Any harm to a European Protected Species should be reported to Natural Resources Wales who work in conjunction with the Police who would investigate and take appropriate action.

A culverted watercourse is said to cross under the barn. This may have an implication for building regulations however this is a technical matter which would not impact on planning. There is no mention of a culvert on the structural report so is not considered to be a constraint on the conversion of the building.

The applicant has removed part of the hedge to form a new access. This application seeks to retain this access point so in this respect is retrospective. There is said to be surface water problems as a consequence of the hedge removal, with water running down the road and into third party land. Any permission should therefore be conditioned that a comprehensive surface and foul water scheme be submitted for approval prior to commencement of development.

Loss of privacy is of concern given the proximity of the site to the adjacent house. There is approximately 3m between the two properties. It is noted that there are 4 windows in the proposal facing towards the adjacent property, however they are proposed to be obscurely glazed. In order to secure privacy these would also have to be non opening as conditioned below.

The caravan on the site is unauthorised and is understood to be unsuitable for human habitation. The applicant seeks to retain the caravan for a temporary period during construction. Given the temporary nature, an appropriate condition is recommended to ensure that the caravan is permanently removed within a reasonable period.

Air pollution from the wood burner is covered by other legislation and is not therefore a material planning consideration.

There is concern that the Barn is not fit for conversion, however the application is accompanied by a structural report and this demonstrates that it can be converted.

There is a civil dispute between neighbours, however this is not a material planning consideration.

Comments regarding the applicant's finances are also not material other than to confirm that an affordable dwelling is required.

CONCLUSION

After careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date, it is considered that the barn is a small structure of brick construction and has four stables attached. The proposal is for a modest affordable unit for local needs and is sensitive to the design and character of the barn using existing apertures. The barn is structurally sound so can be converted with only minor external works.

The caravan is said to be unfit for habitation, however can be replaced if allowed, and used for a temporary period during construction.

Policy H5(c) allows conversion in cases where an affordable local needs dwelling is required, and in this case, it is considered that the applicant satisfies the requirements given local connections and inability to purchase a dwelling, this will be secured by a Section 106 legal agreement.

Whilst there is a neighbour dispute, this is not a material planning consideration and any planning permission is granted without prejudice to any action taken by other authorities.

On balance, the proposal is sensitive to the building and would satisfy the applicant's requirements for a local needs affordable home. The barn is in close proximity to the neighbouring house, however the side windows are proposed to be obscured, and conditioned to also be non-opening. The proposal is not therefore likely to have an adverse impact on third parties and is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of two 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 8 November 2016.
 - 1:1000 & 1:2500 scale Block and Location Plan. Drawing No. 01a;
 - 1:1250 scale Site Plan. Drawing No. 02a;
 - 1:50 scale Proposed Ground Floor Plan. Drawing No. 05b;
 - 1:100 scale Proposed Elevations. Drawing No. 06b.
- 3 The occupation of the dwelling shall be limited to a person qualifying under the Local Need eligibility criteria as outlined in the Affordable Housing Supplementary Planning Guidance, or to a widow or widower of such person and to any resident dependants.
- 4 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.
- 5 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 U2283 Road frontage within 2.4 metres of the near edge of the highway.
- 6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 7 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 purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 8 The private access road shall be hard surfaced for a minimum distance of 5.0 behind the highway boundary, in materials which shall be subject to the 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.
- 9 The caravan shall be stationed for a period not exceeding one year from commencement of development, after which it shall be permanently removed from the site.
- 10 The development shall take place strictly in accordance with the recommendations contained within Section 5.0 of the bat survey report.

REASONS

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

- 2 In the interests of visual amenity.
- 3 To retain the affordable unit in perpetuity.
- 4-8 In the interests of highway safety.
- 9 To ensure the removal of the temporary caravan.
- 10 In the interests of ecology.

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.

- It is considered that the proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and design, and will not cause unacceptable loss of amenity to neighbouring uses.
- It is considered that the proposal complies with Policy H5 of the LDP in that the barn is proposed as a local needs affordable dwelling, is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re- construction. The conversion retains the character of the barn.
- It is considered that the proposal complies with Policy AH1 of the LDP as the unit is a local needs affordable dwelling as secured by the Section 106 legal agreement.

NOTES

- 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 outline 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 This approval does not allow for the obstruction of or development over public footpath 57/35 which crosses the access road. You are advised to contact the County Council's Rights of Way Office if you have any queries in respect of the public footpath.
- 3 The applicant/developer should note the requirements of the Section 106 legal agreement in respect of the occupation of the unit as an affordable dwelling.