

**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 21 MEDI 2017
ON 21 SEPTEMBER 2017**

**I'W BENDERFYNU/
FOR DECISION**

***Ardal De/
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 yn 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:	21 SEPTEMBER 2017
REPORT OF:	HEAD OF PLANNING

INDEX - AREA SOUTH

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
S/33277	Residential development at land adjoining Maretta, Five Roads, Llanelli, SA15 5YT
S/35823	Demolition of the existing dwelling (Hen Goitre) and construction of 1 no 4 bedroom two storey detached dwelling at Hen Goitre, Hendy, Llanelli, SA4 0YQ
S/35875	Residential development - revised outline planning for 3 detached dwellings (resubmission of S/33484 - appeal refused 25/11/16) at land adjacent to Hen Soar Fach, Mynachlog Road, Pontyberem, Llanelli, SA15 5EY

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
S/35189	Siting of two detached dwelling houses at land at former Cwmlawd Sawmills, Llannon Road, Pontyberem, Llanelli, SA15 5NB

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/33277
-----------------------	----------------

Application Type	Outline
Proposal & Location	RESIDENTIAL DEVELOPMENT AT LAND ADJOINING MARETTA, FIVE ROADS, LLANELLI, SA15 5YT

Applicant(s)	A COSIMETTI, 6 CLOS-Y-PARC, FIVE ROADS, LLANELLI, SA15 5HB
Agent	JCR PLANNING LTD - RICHARD BANKS, 43 POTTERY STREET, LLANELLI, CARMARTHENSHIRE, SA15 1SU
Case Officer	Gary Glenister
Ward	Glyn
Date of validation	29/01/2016

CONSULTATION

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

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

Llanelli Rural Council – Has no objection provided that access is via Clos Y Parc to the rear, in the interests of highway safety.

Local Member – County Councillor T J Jones has not commented to date.

Dwr Cymru / Welsh Water – has no adverse comments.

Neighbours/Public – The application has been advertised by the posting of 2 No Site Notices with 3 No representations received to date raising the following matters.

- Highway & Pedestrian Safety
 - There should be no access onto Heol Hen
 - Parking on the road is unacceptable
 - Frontage plots should be open space
 - There should be a mini roundabout at the entrance
- Residential amenity

- Noise
- Disturbance
- Over development of the village
- Lack of village facilities
- Lack of Consultation

RELEVANT PLANNING HISTORY

The following applications have been received on the application site.

S/25584	Residential Development Outline Granted Sec106 Signed Commuted Sum/Open Space/ Affordable Housing / Education.	19 August 2013
D5/14824	Overhead Lines Approved	03 September 1992
D5/5954	Overhead Lines Approved	02 November 1981
D5/814	Bungalow and Garage Approved	19 May 1975

APPRAISAL

THE SITE

The application site is a 0.97ha parcel of land within the settlement limits of Five Roads and allocated for housing in the Local Development Plan.

The site extends from the B4309 up to the rear of the estate known as Clos y Parc and wraps around the rear of the bungalow known as Maretta. The site is Greenfield and is currently used for grazing donkeys. The site slopes down gently from the rear of Clos y Parc to the main road.

The site is adjacent to the recreation ground so has good access to local play facilities. The site is bounded by a mix of hedgerow and a fence across the road frontage.

THE PROPOSAL

The application seeks outline permission to establish the principle of residential development on the site, along with a means of access off the B4309.

An indicative layout and access has been submitted showing 20 plots accessed off a new entrance from the B4309. There are several design issues with the indicative plan which the applicant is aware of, however it gives an indication that the site is suitable for development without adverse impacts on third parties. It should be noted that the description does not specify the number of units.

The indicative plan shows a mix of detached and semi detached houses on the site with frontage development along the B4309 served by rear parking and a cul de sac to the rear.

The proposal includes a financial contribution in lieu of onsite affordable housing and a parcel of land adjacent to the school which will be transferred to the Council in lieu of open space and education contributions. An agreement under Section 106 of the Town and Country Planning Act has been prepared and will be signed prior to the grant of any planning permission.

PLANNING POLICIES

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

Policy GP1 Sustainability and High Quality Design states.

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

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

- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;**
- k) It has regard to the generation, treatment and disposal of waste.**
- l) It has regard for the safe, effective and efficient use of the transportation network;**
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;**
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.**

Policy AH1 Affordable Housing states:

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

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

On Site Contributions

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

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

Commuted Sums

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

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

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

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

development, including its construction, operation and management, and its relationship to its surroundings“

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

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

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

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

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

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

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

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

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

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the

development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

THIRD PARTY REPRESENTATIONS

There is third party concern over highway and pedestrian safety from the proposed development.

Access is being considered along with the principle of the development and this is proposed from the B4309. No access is proposed to Heol Hen via Clos y Parc and as access is being considered as part of this application, there is no prospect of access being gained via the existing estate. The merits of the scheme have been considered by the Head of Transport who has no objection subject to the imposition of appropriate conditions. Llanelli Rural Council has no objection provided access is via Clos y Parc, however this contradicts the neighbour objection and would see an increase in traffic through a residential area with limited width due to parked vehicles.

There is concern over parking on the road which would be unacceptable. Reference is drawn to the nearby estate known as Llygad y Ffynnon which has generated on street parking. (In Llygad y Ffynnon, adequate parking has been provided off-street to the rear, however traffic management is required to preclude parking on the road). It should be noted that the layout is indicative and would be subject to the submission of reserved matters, so detailed consideration of parking will take place at that time. In terms of design, frontage development to continue the village form would be desirable rather than development backing on to the road. The Head of Transport will be consulted at reserved matters stage to ensure the final design is acceptable.

There are calls for the frontage plots to be open space. It is however noted that the site is adjacent to the recreation ground so further open space is not required. The site will facilitate the extension of the school which

There are calls for a mini roundabout at the entrance, however this has not been requested by highways. A roundabout would have a more urbanising impact on the rural village than a priority junction so would not be requested unless it is needed for highway safety.

There is concern that building work in the village would result in a loss of residential amenity through noise and disturbance. Whilst there is a degree of disruption during construction, this is not a permanent source of noise so this is not considered likely to adversely affect third parties.

The site is allocated for residential development in the Local Development Plan so forms part of the County's housing strategy for the village. The layout is indicative and would need some amendment, however in principle, it demonstrates that the site can be developed appropriately and does not constitute over development of the village.

The village has a school, pub, chapel and community centre, so whilst the post office has recently closed, it still has a reasonable amount of community facilities to serve the site. The site is therefore considered to be in a sustainable location.

The application has been publicised by site and press notices. This is in excess of the statutory requirements for a minor development, so whilst individual letters have not been sent out, the neighbouring properties were made aware of the application.

CONCLUSION

After careful consideration of the site and surrounding environs, on balance, it is considered that the site is an undeveloped parcel of land within settlement limits and allocated for housing. The site forms a continuation of the built frontage along the B4309 and has a cul de sac to the rear which backs onto Clos Y Parc. It is therefore an appropriate infilling of the village form.

The following heads of terms have been agreed for the requisite Section 106 Legal Agreement that has been prepared.

Affordable Housing – an off site contribution equivalent to 20% provision.

Open Space & Education – The site owner has a parcel of land adjacent to the school which is proposed to be transferred to the Council to facilitate the extension of the school and form a community sports facility. This is considered acceptable in lieu of a financial contribution towards both Education and Open Space.

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

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - a) the expiration of five years from the date of this outline planning permission;
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 Development shall not commence until detailed plans of the layout, appearance and landscaping of the development, together with the means of access thereto, have been submitted to and been approved in writing by the Local Planning Authority.
- 4 The land subject to this permission is as identified on the 1:2500 plan dated 10 December 2015 (The 1:500 scale plan is strictly indicative).

- 5 Detailed cross sections indicating finished floor and ridge levels compared to the highway and existing/proposed ground levels shall be included in any reserved matters application,
- 6 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway, 1.8 metre footways, and 8 metre kerbed radii at the junction with the B4309 road.
- 7 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 8 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 B4309 Road frontage within 2.4 metres of the near edge of the highway.
- 9 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 10 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footpaths from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 11 The dwellings shall be connected up to the public main sewer only and shall not utilize any private means of drainage.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline only.
- 3-5 In the interests of visual amenity.
- 6-10 In the interests of highway safety.
- 11 The site is in a sewered area.

REASONS FOR GRANTING PLANNING PERMISSION

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

The proposed development complies with Policy SP1, GP1, GP2 & H2 of the LDP in that it is sensitive infilling within the settlement development limits on an allocated site 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 and TR3 in that the proposal is not likely to be detrimental to highway safety.

The proposed development complies with Policy AH1 in that the purchaser has agreed to enter into a Section 106 agreement to provide off site contributions equivalent to 20% affordable housing in order to satisfy the local housing need for affordable housing.

NOTES

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

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

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

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

- 3 The applicant/developer's attention is drawn to the requirement to enter into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an offsite contribution equivalent to 20% affordable housing and the transfer of a parcel of land adjacent to the school in lieu of open space and education contributions.

Application No	S/35823
-----------------------	----------------

Application Type	Full Planning
Proposal & Location	DEMOLITION OF THE EXISTING DWELLING (HEN GOITRE) AND CONSTRUCTION OF 1 NO 4 BEDROOM TWO STOREY DETACHED DWELLING AT HEN GOITRE, HENDY, HENDY, LLANELLI, SA4 0YQ

Applicant(s)	RHYS BEYNON-THOMAS, HEN GOITRE, HENDY, HENDY, LLANELLI, CARMARTHENSHIRE, SA4 0YQ
Agent	IAGO CYMRU, GETHIN LLOYD JAMES BA.(HONS) ARCH. MCIAT, TROED Y BRYN, LLANARTHNE, CARMARTHEN, SA32 8JE
Case Officer	Paul Roberts
Ward	Llangennech
Date of validation	14/07/2017

CONSULTATIONS

Local Member - County Councillors GR Jones and G Thomas have not commented on the application to date.

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

Coal Authority – Have not commented on the application to date.

Natural Resources Wales - Have raised no objection to the application.

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

RELEVANT PLANNING HISTORY

There is no relevant planning history.

APPRAISAL

THE SITE

The application site consists of the curtilage of a detached dwelling located in a countryside location to the north of the village of Llangennech. The dwelling forms part of a larger land holding of some 2 hectares which includes a neighbouring field enclosure and large agricultural building and associated hardstanding areas. It is located on the western flank of an unclassified county road with the eastern side elevation of the dwelling being contiguous with the roadway. The house is currently vacant and in a poor state of disrepair.

The dwelling is of a two storey construction with a traditional pitched roof form. It is orientated in a southerly direction and has a number of single storey projections to its front, side and rear elevations. It has the benefit of a front driveway which is accessed via the large hardstanding area located between the house and the agricultural building.

THE PROPOSAL

The application seek full planning permission for the demolition of the existing dwelling and replacement with a new four bedroom detached dwelling. The new dwelling is to be located immediately to the south west of the position of the existing house away from the roadway and adjacent to the hardstanding area and the footprint of a detached garage that has recently been demolished.

The dwelling is to be of a two storey construction and will be orientated in a south easterly direction towards the roadway. It is to have a pitched roof with the front elevation being characterised by a centrally located gable feature. Externally, the dwelling will consist of a mix of stone and rendered elevations with the roof being clad in grey slates. The house will utilise the existing access onto the roadway with a parking and turning area being provided in its front forecourt area. The finished level of the house is to be comparable with the existing ground albeit the proposal will involve some lowering of the existing ground levels to the rear of the house to lower the gradient of the garden space.

The application has been accompanied by a coal mining risk assessment which confirms there is a low risk of past coal mining activity within the site. A bat survey of the house has also been provided which confirms the presence of a small population of bats in the attic space. As such, the survey includes a method statement which sets out a series of measures to mitigate the impact of the development upon the bat population. These include the provision of new bat roosts within the new dwelling.

PLANNING POLICY

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

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

Policy H4 relates to proposals for replacement dwellings outside the development limits of settlements defined in the Plan. Proposals are permitted subject to a number of qualifying criteria which include the need for the new dwelling to be located on the footprint of the existing dwelling, unless an alternative location within the existing curtilage brings significant environmental, landscape or visual improvements. Furthermore, the policy requires that the design and materials of the new dwelling are appropriate to the character and appearance of the area and the scale is not disproportionate in size to the existing dwelling. Proposals should also have no adverse effect on access, parking, utility services and local amenity as well as nature conservation and historic interests. Finally, the policy requires that the existing dwelling be demolished immediately prior to, or upon, its replacement.

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 (ie NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

THIRD PARTY REPRESENTATIONS

No third party letters of representation have been received to date. The application is presented to Committee for a decision on the basis that the applicant is related to a County Councillor who is a member of the Planning Committee.

CONCLUSION

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the proposal is considered to represent an acceptable form of residential development that will be in keeping with and complement the general character and appearance of the surrounding area.

Although the new dwelling will not be constructed on the footprint of the existing house it will nevertheless be constructed within its curtilage and close to the existing hardstanding area and access. The relocation of the dwelling away from the roadway will provide amenity benefits to the occupiers by way of minimising the impact of passing traffic. Moreover, the demolition of the existing house will provide visibility improvements along the roadway given its current location contiguous with side of the road and close to a bend.

Turning to the scale of design of the proposal, whilst the new house will be larger than the existing property, it will not be disproportionate in size nor be discordant with the character and appearance of the surrounding rural area. The high quality design and finish of the house will improve the site's current unkempt appearance in the wider area while addressing significant structural deficiencies in the existing house by constructing a new dwelling constructed to modern building standards. Furthermore, the new dwelling will utilise the existing access and incorporate adequate parking facilities thereby ensuring there will be no unacceptable highway impacts.

With regard to the presence of bats in the existing house, Natural Resources Wales have been consulted on the method statement detailing the mitigation measures proposed and have raised no objection subject to the imposition of a condition securing their

implementation. The permission granted will therefore be conditioned in accordance with this advice. Members should be aware that given the presence of bats in the existing house, its demolition will require derogation in the form of a licence from Natural Resources Wales. Before such a licence can be granted, the following three tests must be satisfied.

- (i) there is 'no satisfactory alternative' to the derogation
- (ii) the derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'.
- (iii) The derogation is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

In considering the application, the Authority must be satisfied that the three tests can be met. With regard to the first and third tests, the proposed new dwelling will replace an existing vacant property which is in a poor state of disrepair with significant structural deficiencies. The development will replace the existing substandard house with a new dwelling constructed to modern building standards while at the same time providing for the long term accommodation needs of the applicants.

With regard to the second test, the application has been accompanied by detailed mitigation measures and method statement which have been designed to ensure the works proposed do not adversely affect the conservation status of the bats within the existing building. The details submitted have been assessed by Natural Resources Wales who have confirmed their acceptance of the proposals and are satisfied that the proposal will not be detrimental to the conservation status of the bat population.

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

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development shall begin no later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the details shown on the following schedule of plans :
 - Block and Location Plan (PA/03) received on 31 August 2017.
 - Site Sections (PA/04) received on 31 August 2017.
 - Proposed Elevations (PA/02) received on 7 July 2017.
 - Proposed Elevations and Floor Plans (PA/01) received on 7 July 2017.
 - Bat Survey Report entitled Hen Goitre, Hendy, Carmarthenshire, SA4 0YQ received on 7 July 2017.
- 3 The parking spaces and layout shown on the plans herewith approved shall be provided in accordance with the details shown prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the

purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

- 4 No development shall commence until details indicating the positions, height, design, materials and type of boundary treatment to be erected have been submitted to and approved by the local planning authority. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling.
- 5 The development shall be implemented strictly in accordance with the Method Statement contained in the Bat Survey Report entitled Hen Goitre, Hendy, Carmarthenshire, SA4 0YQ received on 7 July 2017.
- 6 The existing dwelling known as 'Hen Goitre' as shown on the Block and Location Plan (PA/03) received on 31 August 2017 shall be demolished and removed from the site prior to the beneficial occupation of the new dwelling hereby approved.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out
- 3 In the interests of highway safety.
- 4 & 6 In the interests of visual amenity.
- 5 In order to ensure that there is no detriment to the maintenance of the favourable conservation status of the Bat species present.

NOTE(S)

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

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

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

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

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

Application No	S/35875
-----------------------	----------------

Application Type	Outline
Proposal & Location	RESIDENTIAL DEVELOPMENT - REVISED OUTLINE PLANNING FOR 3 DETACHED DWELLINGS (RESUBMISSION OF S/33484 - APPEAL REFUSED 25/11/16) AT LAND ADJACENT TO, HEN SOAR FACH, MYNACHLOG ROAD, PONTYBEREM, LLANELLI, SA15 5EY

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

CONSULTEES

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

Pontyberem Community Council – Has not commented to date.

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

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

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

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

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

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

RELEVANT PLANNING HISTORY

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

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

APPRAISAL

THE SITE

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

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

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

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

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

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

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

THE PROPOSAL

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

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

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

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

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

PLANNING POLICY

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

Policy GP1 Sustainability and High Quality Design states.

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

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

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

Policy AH1 Affordable Housing states:

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

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

On Site Contributions

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

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

Commuted Sums

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

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

Policy TR3 Highways in Developments - Design Considerations states

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

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

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

Policy EQ4 Biodiversity states

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

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

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

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

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

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

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

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

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design

process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

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

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

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

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

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

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

THIRD PARTY REPRESENTATIONS

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

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

The calls for a one way system are impractical given the alternative route would be via a residential housing estate. Any increase in traffic is not therefore considered desirable. The proposal includes measures that would remove on street parking and therefore allow

realignment to allow vehicles to pass along the site frontage. This is in itself a highway safety improvement.

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

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

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

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

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

CONCLUSION

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

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

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - a) the expiration of five years from the date of this outline planning permission;

b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.

3 Development shall not commence until detailed plans of the layout, appearance and landscaping of the development, together with the means of access thereto, have been submitted to and been approved in writing by the Local Planning Authority.

4 The land subject to this permission is as identified on the ___ plan dated ___.

5 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the near edge of carriageway.

6 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Mynachlog Road (U2275) frontage within 2.4 metres of the near edge of the carriageway.

7 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the resident parking area, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to commencement of any other part of the development and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

8 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking within the curtilage of plots 1-3, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.

9 Prior to the commencement of any part of the development herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the Mynachlog Road (U2275) and connect with the existing footway to the south. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.

10 Any reserved matters application shall be accompanied by a method statement requiring the sensitive clearance of any vegetation, and replacement planting to ensure habitat availability and the continuity of the habitat corridor along the river.

11 The trees/hedgerow around the application site's boundary shall be protected for the duration of the construction period following guidelines in BS5837 2005 (Trees in relation to construction) as follows and shall thereafter be retained in perpetuity:

- An exclusion zone is to be identified by the Authority and agreed in writing **prior** to start of works.

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

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

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

REASONS

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

2 The application is in outline only.

3,4,

13 In the interests of visual amenity.

5-9 In the interests of highway safety.

10-12 In the interests of biodiversity.

REASONS FOR GRANTING PLANNING PERMISSION

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

The proposed development complies with Policy SP1, GP1, GP2 & H2 of the LDP in that it is sensitive infilling within the settlement development limits which is appropriate in scale

and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.

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

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

NOTES

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

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

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

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

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk)
- 3 The applicant/developer's attention is drawn to the requirement to enter into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £51.35 per square metre internal floor area.

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	S/35189
-----------------------	----------------

Application Type	Outline
Proposal & Location	SITING OF TWO DETACHED DWELLING HOUSES AT LAND AT FORMER CWMBLAWD SAWMILLS, LLANNON ROAD, PONTYBEREM, LLANELLI, SA15 5NB

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

CONSULTATION

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

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

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

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

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

RELEVANT PLANNING HISTORY

The following applications have been received on the application site.

D5/14103 Two Houses
Outline Planning Permission Refused

30 September 1991

APPRAISAL

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

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

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

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

THE SITE

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

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

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

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

THE PROPOSAL

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

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

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

PLANNING POLICIES

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

Policy SP1 Sustainable Places and Spaces states:

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

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

Policy GP1 Sustainability and High Quality Design states:

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

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

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

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

Policy GP2 Development Limits states:

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

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

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

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

development, including its construction, operation and management, and its relationship to its surroundings“

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

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

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

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

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

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

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

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

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

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the

development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

CONCLUSION

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

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

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

Further, the application does not include any form of legal agreement setting out a contribution towards affordable housing as required under Policy AH1.

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

RECOMMENDATION – REFUSAL

REASONS

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

Policy SP1 Sustainable Places and Spaces states:

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

- a) **Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;**
- b) **Promoting, where appropriate, the efficient use of land including previously developed sites;**

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

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

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

Policy GP1 Sustainability and High Quality Design

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

- a) **It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;**
- b) **It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c) **Utilises materials appropriate to the area within which it is located;**
- d) **It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;**
- e) **Includes an integrated mixture of uses appropriate to the scale of the development;**
- f) **It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;**
- g) **It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well lit environments and areas of public movement);**

- h) **An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;**
- i) **It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;**
- j) **It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;**
- k) **It has regard to the generation, treatment and disposal of waste.**
- l) **It has regard for the safe, effective and efficient use of the transportation network;**
- m) **It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;**
- n) **It includes, where applicable, provision for the appropriate management and eradication of invasive species.**

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

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

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

Policy GP2 Development Limits

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

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

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

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

Policy TR3 Highways in Developments - Design Considerations

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

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

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

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

In that

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