

**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 23 AWST 2018

ON 23 AUGUST 2018

***I'W BENDERFYNU
FOR DECISION***

***Ardal
Gorllewin/
Area West***



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:	23 AUGUST 2018
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

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W/37528	Siting of dwelling at land adjacent to Rhos Wen, Heol Caegwyn, Drefach, Llanelli, SA14 7BB

APPLICATIONS RECOMMENDED FOR APPROVAL
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Application No	W/37323
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Application Type	Variation of Planning Condition(s)
Proposal & Location	VARIATION OF CONDITION 5 ON W/31099 (NOISE IMISSION LEVEL) AT LAND AT WERN, PENCADER, SA39 9AL

Applicant(s)	SEREN ENERGY - GARETH TUCKER, 1B HIGH ST, CLYDACH, SWANSEA, SA6 5LG
Agent	SEREN ENERGY - GARETH TUCKER, 1B HIGH STREET, CLYDACH, SWANSEA, SA6 5LG
Case Officer	Richard Jones
Ward	Llanfihangel-ar-arth
Date of validation	31/05/2018

CONSULTATIONS

Head of Public Protection – No objections raised subject to an amended condition ensuring that noise limits to not exceed 37dB from the nearest property.

Cllr Linda Davies-Evans – Has requested that the application be reported to the Planning Committee as there are concerns that the variation of the condition will have implications on noise levels. Some neighbouring properties are less than 400m away which is less than the recommended 500m. Allowing the change of condition will have a serious effect on neighbouring properties.

Neighbours/Public - The application has been publicised by the posting of a site notice within the vicinity of the site. Seven objection letters have been received and these are summarised below:

- General concern that the applicant now wishes to increase the noise limit imposed by Condition 5 of W/31099 from 35db to 37dB at the nearest noise sensitive property.
- Concern that the applicant wishes to increase the noise limits, given that the operational turbine already causes disturbance and results in a detrimental impact upon amenity.
- Concern that no assessment has been made of the current turbine operation to validate whether it is complying with the approved noise limits and whether the rotor blade is being curtailed.

- Various neighbour concerns relating to noise impact that were raised during the assessment of W/31099.
- Concerns regarding the lack of recognition of “wind shear” in the applicant’s noise assessment.
- Concern that the operational turbine has not been de-rated.
- The Council has a duty of care to protect residents.
- Concern that holiday makers using a nearby holiday cottage are being affected by the noise of the turbine. This could affect the viability of that business, so we do not agree with increasing the noise limits as this could worsen the impact.
- Concern regarding shadow flicker.

RELEVANT PLANNING HISTORY

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

W/33840	Non-material amendment to W/31099 (change of substation location and layout of supporting infrastructure) Non-material amendment granted	27 May 2016
W/33603 -	Discharge of condition 18 (Surface Water Drainage Scheme) of W/31099 Discharge of planning condition granted	24 May 2016
W/33602 -	Discharge of condition 27 (Construction Method Statement) of planning permission W/31099 Discharge of planning condition granted	28 April 2016
W/33591 -	Discharge of conditions 23 and 24 on W/31099 (Construction Traffic Management Plan and trial run video)	Pending
W/33142 -	Discharge of conditions 19 (Shadow Flicker Impact Report) and 25 (Ice Throw Mitigation Measures) of planning permission W/31099 Discharge of planning condition granted	12 April 2016
W/32909 -	Discharge of conditions 10 (Aviation Lighting) 13 (Landscape Design Scheme) 15/16 (Badgers/Reptiles) 26 (Tv Reception) of W/31099 Discharge of planning condition granted	28 April 2016
W/31099 -	Installation of a single wind turbine with a maximum tip height of 67m and ancillary works Full planning permission	13 January 2015

W/28442 -	Installation of a single wind turbine with a maximum tip height of 67m and ancillary works Full planning permission	03 September 2014
W/27135	Installation of one 330kw wind turbine and ancillary works Withdrawn	24 April 2013
W/27249 -	Temporary anemometer mast Full granted	06 December 2012

APPRAISAL

THE SITE

The application site is located on the northern slope of the hillside at approximately 220m AOD (summit is approx. 257m AOD), approximately 1.6km North West of Pencader, and c.3.4km from the boundary with Ceredigion County Council's area. The application site has hedgerow boundaries on all sides of the surrounding agricultural field with a separation distance of only c.20-22 metres on the North Western side, c.40 metres to the South West and c.22 metres from the South East boundary (measured from blade tip based on identified swept area). Access to the application site is currently possible from the far Southern corner of the field via an agricultural gate with hedgerows either side. The country lane to the immediate West of the site, as the majority of the roads within the immediate surrounding area, is narrow with embankments to the sides upon which are established hedgerows.

Blaenpant is located closest to the proposed location of the turbine at c.400 metres to the North (c.180m AOD), Troed Yr Orfa at c.420m, Blaencwm at c.450m, Banc Scythlyn at c.760m, Gwastod at c.850m to the South East (c. 230m AOD), Scythlyn at c.530m to the East (c.190m AOD), Llwyncryn at c.590m to the North (c.190m AOD), Cwm Cathan at c.648m to the North West (c.195m AOD), and Waun Lwyd at c.630m to the West (c.210m AOD).

Planning permission was approved for a single turbine 67m (to blade tip) and associated infrastructure on 19th January 2015. The turbine has been operational since 2016.

THE PROPOSAL

Planning permission is sought to vary condition 5 that relates to Planning permission W/31099.

Condition 5 states:

- 5 *At wind speeds not exceeding 10 metres per second as measured or calculated at a height of 10 metres above ground level the combined noise imission level at a dwelling (including the application of any tonal penalty) shall not exceed 35dBLA90, 10 MIN as measured at least 3.5 metres from the facade of any noise sensitive dwelling or reflective surface and otherwise in accordance with ETSU R-97.*

For the purposes of conditions 5-7 a “dwelling” is a building within Use Class C1 or C3 of the Use Classes Order which lawfully exists or had an extant planning permission at the date of this permission.

To comply with this condition the applicant is required to reduce the power output of the turbine (500kW installed capacity) so that turbine blade rotational speed is curtailed to ensure noise is limited to within the figure set out in Condition 5.

The applicant now proposes to increase that noise limit from 35dB to 37dB and therefore vary the wording of the planning condition. The applicant indicates that the revised limit would be within the recommended guidelines set out in “ETSU-R-97 - The Assessment and Rating of Noise from Wind Farm”.

Condition 5 means the turbine needs to be de-rated to lower than its rated power output of 500kW and the applicant contends that this results in a reduction of 35,000kWh per year in yield and states that this is equivalent to over 400,000kg CO₂ emissions which could be saved over the life of the turbine.

The application has been accompanied by a noise survey was carried out over the period 23rd March to 24th April 2017. A 10m mast to measure the wind speed was set up on 28th March. An additional visit to site was made on 7th April to change the batteries and download data obtained up to that point. Noise measurements were made at three locations: at Blaencwm, at Scythlyn Farm and at Llwynyrwn.

Officers from the Council’s Public Protection Section were present when the equipment was set up and agreed the noise monitoring locations on site. However following concerns about the noise from a stream near Blaencwm, the monitoring location for Blaencwm was moved to a driveway on 7th April. Noise from the stream was significantly lower at the 2nd location, though still audible.

Based on the background noise data collated the applicant’s report concludes that the minimum limit that would permit unrestricted operation of the turbine is a fixed limit of 37 dB LA90, although contends that a much higher limits could be applied under ETSU-R-97. Furthermore they consider that Condition 5 of the planning approval for the turbine can be amended to permit a maximum noise level of 37 dB LA90 and that such a limit would be permitted in accordance with Government planning policy.

PLANNING POLICY

Strategic Policy SP2 relates to climate change stating that proposals which respond to, are resilient to, adapt to and minimise the causes/impacts of climate change will be supported (provided compliance with the other policies of the plan), where they adhere to a number of criteria including the promotion of the energy hierarchy by reducing energy demand, promoting energy efficiency and increasing the supply of renewable energy.

Strategic Policy SP11 specifically relates to renewable energy and energy efficiency. This strategic policy states that such schemes will be supported where the environmental and cumulative impacts can be addressed satisfactorily; and where developments will not cause demonstrable harm to residential amenity and will be acceptable within the landscape. In line with the guidance within TAN 8, it states that “large scale wind farms will only be permitted within Strategic Search Areas (SSA).

As this proposal relates to a single wind turbine, Policy RE2 is of direct relevance. This policy requires that proposals for individual turbines follow the below criteria:

- a) The development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size, design and siting of turbines and associated infrastructure;
- b) The development will not have an unacceptable cumulative impact in relation to existing wind turbines and other renewable energy installations and those which have permission;
- c) The siting, design, layout and materials used should be sympathetic to the characteristics of the land-form, contours and existing features of the landscape;
- d) The development would not cause demonstrable harm to statutorily protected species, and habitats and species identified in the Local Biodiversity Action Plan;
- e) Turbines and their associated structures will not be sited in, or impact upon archaeological resources, the setting and integrity of Conservation Areas, Listed Buildings or other areas of historic value;
- f) Proposals will not cause an unreasonable risk or nuisance to, and impact upon the amenities of, nearby residents or other members of the public;
- g) No loss of public accessibility to the area, and existing bridleways and footpaths will be safeguarded from development with no permanent loss to their length and quality;
- h) Turbines and associated infrastructure will, at the end of the operational life of the facility, be removed and an appropriate land restoration and aftercare scheme agreed;
- i) The development will not result in significant harm to the safety or amenity of sensitive receptors and will not have an unacceptable impact on roads, rail or aviation safety;
- j) The development will not result in unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems.

Planning Policy Wales (Edition 7 – July 2014) sets out WAG's aims and objectives for infrastructure and services which includes securing "an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts" and recognises that "in the short to medium term, wind energy continues to offer the greatest potential for delivering renewable energy" (Para 12.8.12). Furthermore, wind energy is "a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decisions makers when determining such applications" (Para 12.8.12).

Consideration is also given to Technical Advice Note (TAN) 8 - Planning for Renewable Energy. Para 2.12 states -*The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW). This*

could be done through a set of local criteria that would determine the acceptability of such schemes and define in more detail what is meant by "smaller" and "community based". Local planning authorities should give careful consideration to these issues and provide criteria that are appropriate to local circumstances.

Relevant also is the guidance document entitled ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms". This describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or planning authorities. The report presents the findings of a cross-interest Noise Working Group and makes a series of recommendations that can be regarded as relevant guidance on good practice. ETSU-R-97 is referred to in paragraph 2.16 of TAN8 and is a guidance document for decisions makers to consider.

ASSESSMENT

Under the approved development (W/31099) the applicant proposed to reduce the power output of the turbine, thereby reducing the noise levels below 35dB and accordingly removing the requirement under the ETSU-R-97 guidelines for a background noise survey, allowing the lower ETSU limit of 35dB to be applied. Accordingly Condition 5 of W/31099 has set a limit of 35dB to be emitted by the turbine. By limiting the rotational speed the lower ETSU limit of 35dB could be met thereby removing the need for background noise assessment.

The submitted details under W/31099 included noise predictions based on downwind figures, indicating that by down rating the turbine, reducing noise output at hub height by 1dB from 100.5dB to the 99.5dB LWA, applicable when wind speeds are 10m/s at 10m height, the noise levels at the nearby predicted properties would be below 35dB. This would only be achievable by reducing the power output of the turbine in order to reduce the noise level at hub height by that 1dB.

Condition 8 of W/31099 required, within 3 months of the First Export Date, a detailed noise assessment conducted by an independent acoustician, to be submitted to and approved in writing by the Local Planning Authority to ensure the noise levels specified within Condition 5 have been complied with. These details have not been submitted by the applicant to prove they are complying with Condition 5, despite requests from the Local Planning Authority.

The applicant is technically in breach of their original permission as they have not complied with the terms of condition 8 of W/31099. Nevertheless they are seeking to up-scale the turbine's noise emissions by amending condition 5 so instead of a 35dB noise limit, this is increased to 37dB. This will mean that the turbine will also be producing a greater amount of renewable energy.

The submitted report and survey data has provided a noise assessment at three property locations. The conclusion reached are that the operational turbine can operate at its maximum capacity while ensuring that the noise is limited to 37dB when measured from the nearest noise sensitive property. This is an increase of 2dB but still within the daytime noise limit of 40dB which is recommended by ETSU-R-97, the noise guidance document used to assess turbine noise. The Council's Environmental Health officers have assessed these conclusions and have raised no objections to the findings subject to a revised planning condition setting a new noise limit of 37dB.

THIRD PARTY REPRESENTATIONS

With regard to the general concern that increasing the decibel limit of the turbine will have a detrimental effect on neighbouring amenity, the information submitted by the applicant and referred earlier in this report sufficiently demonstrates to the satisfaction of this assessment that there would be no unacceptable impact as a result of noise on residential amenity. This conclusion is reinforced by the response by the Head of Public Protection who has responded with no objections subject to an amended Condition 5. Moreover the new limit proposed will be compliant with the ETSU-R-07 guidelines.

Further noise conditions will be added to the decision notice in the event that members approve this application, to ensure there is a complaint procedure in place and that the developer is operating the turbine at the approved noise levels. Evidence submitted shows that the turbine could operate within these acceptable parameters and therefore there would be no valid grounds for refusal on the basis of noise impact.

With regard to the impact on tourism/local business, it is deemed that the renewable benefits of the proposal would outweigh the noise impacts given that these impacts are within the acceptable noise guidelines. There is no justifiable reason to refuse on grounds that would result in a loss of business. Refusal to travel to an area on the basis of wind turbine development is however un-proven (it is acknowledged that some objectors claim to have obtained views from visitors to the area however this does not constitute substantial evidence), and as such it would be unreasonable to refuse on such grounds.

There are a number of concerns regarding the information and noise assessment that was carried out when the approved application was assessed. This is a separate matter and it was assessed at the time that this information was acceptable.

The local member for the ward has raised concern that the turbine is within 500m of residential properties, and alludes to this being below the standards for separation distance. The reference to a separation of 500 metres between wind turbines and residential dwellings is not a requirement of planning policy for all wind turbine development. The reference to which Cllr Evans is referring is taken from paragraph 3.4 of TAN 8 Annex D which reads "500m is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts...". In reality this distance was advised to Local Planning Authorities in drawing up suitable areas relevant for the Strategic Search Areas involving major wind farms, and for that reason is positioned within Annex D of TAN8 entitled "Potential Methodology for Local Planning Authorities with Strategic Search Areas".

Concerns regarding shadow flicker are dealt with separately by the planning condition on the extant permission and there is a complaint procedure in place to investigate these occurrences.

CONCLUSION

The proposed turbine application has been assessed against the relevant policies and guidance mentioned earlier within this report. The main issue to consider has been the acceptability of amending to the wording of Condition 5 of W/31099 to increase the noise limit at the nearest noise sensitive property from 35dB to 37dB.

The methodology and conclusions outlined in the applicant's report have are considered acceptable by the Council's Environmental Health Officers, therefore there would be no reason to refuse the application.

In conclusion it is considered that the proposal complies with relevant noise guidelines and in doing so will allow the turbine to operate at its rated capacity of 500kw. This will have a positive contribution upon the national renewable energy targets and would comply with the relevant policies of the adopted LDP and national planning policy. These benefits are considered to outweigh the potential impacts upon amenity and the environment. Approval is recommended subject to conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 23rd December 2016.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - 1:5000 scale Location Plan received on 27th October 2014;
 - 1:2500 scale Location Plan received on 27th October 2014;
 - 1:1000 scale Site Plan received 27th October 2014;
 - 1:500 scale Site Plan received on 27th October 2014;
 - 1:400 scale Elevation Drawings received on 27th October 2014;
 - Additional Planning Information report (including Appendices A – I2) received on 27th October 2014;
 - amended drawings within Appendix G2 received on 4th November 2014;
 - amended report entitled Preliminary Ecological Appraisal dated 05 November 2014 received on 6th November 2014;
 - applicant's covering letter received on 23rd December 2018;
 - Background Noise Assessment and Proposal for Amended Noise Limits [A701 RO2] received on 17th May 2018.
- 3 This permission shall expire, and the development hereby permitted shall be removed in accordance with condition 3 below, after a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid (excluding electricity exported during initial testing and commissioning) ("First Export Date"). Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.
- 4 Not later than 12 months before the date of expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbine and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, location of material laydown areas, an environmental management plan to include details of measures to be taken during the

decommissioning period to protect wildlife and habitats and details of site restoration measures. The approved scheme shall be fully implemented within 24 months of the expiry of this permission.

- 5 If the wind turbine hereby permitted ceases to export electricity to the grid for a continuous period of 6 months, unless otherwise approved in writing by the Local Planning Authority, then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the wind turbine. The scheme shall include either a programme of remedial works where repairs to the turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.
- 6 At wind speeds not exceeding 10 metres per second as measured or calculated at a height of 10 metres above ground level the combined noise immission level at a dwelling (including the application of any tonal penalty and/or amplitude modulation where applicable) shall not exceed 37 dBLA90, 10min as measured at least 3.5 metres from the façade of any noise sensitive dwelling or reflective surface and otherwise in accordance with ETSU-R-97.

For the purposes of conditions 6-8 a “dwelling” is a building within Use Class C1 or C3 of the Use Classes Order which lawfully exists or had an extant planning permission at the date of this permission.

- 7 Within 28 days from the receipt of a written request from the Local Planning Authority, following a reasonable complaint to the Local Planning Authority relating to noise disturbance at a dwelling, the operator of the development shall, at its own expense, employ an independent acoustician approved by the Local Planning Authority in writing to assess the level of noise immissions from the wind turbines at an agreed location following the procedures described in ETSU-R-97 “The Assessment and Rating of Noise from Wind Farms” and produce a report including the assessment and proposed mitigation which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 8 Should the wind turbine, during the course of the assessment required by Condition 7, be identified as operating above the parameters specified in Condition 6, the wind turbine shall be modified to a level demonstrated within the assessment detail required by Condition 6 to be within the parameters set by Condition 6. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute combined noise level of the operating turbine/s to within the parameters specified in Condition 6.
- 9 Within 3 months of the date the wind turbine operating at its full installed capacity (500kw) a detailed noise assessment conducted by an independent acoustician, shall be submitted to and approved in writing by the Local Planning Authority assessing compliance with the noise levels specified within Condition 6. Should this assessment demonstrate that the noise limits within Condition 6 are being breached then proposals to bring the noise levels within the permitted limits of Condition 6 shall be included and the wind turbine shall forthwith then only operate in accordance with,

the recommendations of the independent assessment as approved in writing by the Local Planning Authority.

- 10 Following a written request from the Local Planning Authority, the operator, within 1 month from such a request, shall provide written documentation, independently verified to the written satisfaction of the Local Planning Authority, to demonstrate that the proposals to bring the noise levels within the permitted limits of Condition 6 approved pursuant to Condition 9 has been complied with.
- 11 The wind turbine approved under this permission shall not exceed 67 metres to blade tip when the turbine is in the vertical position as measured from ground levels immediately adjacent to the wind turbine base and have a maximum blade diameter of 54 metres.
- 12 The amended site access approved under this permission shall be constructed with a minimum carriageway width of 5.5 metres and be perpendicularly aligned to the County road for its initial 10 metre length, measured from the near side of the carriageway.

REASONS

- 1 To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 In recognition of the expected lifespan of the wind turbine and in the interests of safety and amenity once the turbine is redundant.
- 4 To ensure the development is decommissioned and the site restored at the expiry of the permission.
- 5 To ensure derelict or obsolete structures do not adversely affect the environment.
- 6-10 To prevent disturbance and loss of amenity to occupiers of nearby buildings.
- 11 In the interests of clarity and to prevent unacceptable development.
- 12 In the interest of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposal complies with Policy GP1 of the adopted LDP in that the proposed development would not unacceptably conflict with the character and appearance of the area and has sufficiently taken into account site contours and prominent skylines or ridges through appropriate siting and robust consideration. Furthermore, the proposals would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community. An appropriate access is proposed which

would not have a detrimental impact on highway safety. In addition, the proposal would not have an unacceptable impact on the historic and cultural heritage of the County or the setting of the historic environment. The proposals would include provision for the satisfactory disposal of surface water and the management of any invasive species.

- The proposal complies with Policies TR2 and TR3 of the adopted LDP in that the proposed delivery routes for construction traffic, together with the mitigation required are deemed acceptable without unacceptable detriment to highway safety. Furthermore, the proposed access is deemed sufficient and capable to providing required visibility standards.
- The proposal complies with Policy EQ1 of the adopted LDP in that there would be no unacceptable level of impact on the surrounding landscapes, sites or features of historic or archaeological interest.
- The proposal complies with Policy EQ4 of the adopted LDP in that there would be no demonstrable unacceptable harm to priority species, habitats or features of recognised principal importance to the conservation of biodiversity and nature conservation. Where any impacts have been identified, appropriate mechanisms have been proposed to ensure sufficient mitigation where required.
- The proposal complies with Policy RE2 of the adopted LDP in that the proposal would not have an unacceptable impact on the visual amenity, landscape character, general amenities, historic interests, protected species or their habitats, or users of the spaces of the surrounding area both individually and cumulatively. Sufficient mechanisms, by way of planning condition are deemed sufficient to ensure that at the end of the operational life of the facility, the proposal will be removed with an appropriate restoration and aftercare scheme. Furthermore, the proposals would not have an unacceptable impact on aviation, highway safety, or the communication systems mentioned within this policy. There would be no demonstrable unacceptable harm to the water environment or the quality of controlled waters.

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 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	W/37528
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Application Type	Outline
Proposal & Location	SITING OF DWELLING AT LAND ADJACENT TO RHOS WEN, HEOL CAEGWYN, DREFACH, LLANELLI, SA14 7BB

Applicant(s)	MR STEPHEN & MRS KATHRYN THOMAS, GODRIG, 15 HEOL BLAENHIRWAUN, DREFACH, LLANELLI, SA14 7AJ
Case Officer	Richard Jones
Ward	Gorslas
Date of validation	13/07/2018

CONSULTATIONS

Head of Transport – No objection to the proposal subject to the imposition of conditions.

Gorslas Community Council – Has not commented to date.

Local Members - County Councillors D Price and Aled Vaughan-Owen have not commented to date.

Dwr Cymru/Welsh Water (DCWW) – No objection subject to standard advice. DCWW have also indicated that a sewer crosses the site and that the new dwelling should maintain 3m either side of the sewer's centreline for maintenance and repair.

Neighbours/Public - The application has been publicised by the posting of a Site Notice adjacent to the application site. No responses have been received to date.

RELEVANT PLANNING HISTORY

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

D4/22464	Lleoli un tŷ (siting of a dwelling) Outline planning permission	30 June 1992
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APPRAISAL

The application is being reported to committee as the applicant is a member of staff within the Planning Services Division, and it is a requirement of the Planning Committee Protocol to report to committee in these instances.

THE SITE

The application site comprises a rectangular plot measuring approximately 15.5m in width by 34m in length which is currently laid to pasture and forms part of a larger agricultural field. The plot has a frontage onto Heol Caegwyn and is separated from the road by a mature hedge. The plot's northern and southern boundaries are marked by ranch style fencing with neighbouring detached dwelling beyond each respective boundary. The western (rear) boundary of the plot is not marked by a physical boundary, rather it forms part of the larger agricultural field. The site slopes gradually downhill from east to west from its road side boundary to the rear.

The application site is within the settlement limits of Drefach which forms part of the wider Ammanford-Cross Hands growth area as defined by the Carmarthenshire Local Development Plan (2007). The surrounding area is characterised by a low density pattern of development incorporating a mix of dwelling scales and designs but mainly detached properties with frontage parking and rear amenity space.

The planning history for the site indicates that permission was approved for a detached dwelling in 1992 (D4/22464 refers), therefore the principle of development was established once before, albeit this has now lapsed and therefore the new application will be subject to assessment against the current Local Development Plan (LDP).

THE PROPOSAL

The application seeks outline planning permission with all matters reserved. The applicant has provided scale parameters for the proposed dwelling in accordance with the requirements for outline applications with all matters reserved. The width of the dwelling will be between 11-13 metres, the depth between 10-12 metres and the height between 7-9 metres. The applicant has also stated that the proposed dwelling is intended to be located within the plot similar to surrounding properties. The point of vehicular access into the plot will be off Heol Caegwyn.

PLANNING POLICY

In the context of the current development control policy framework the site is located outside the defined development limits for Drefach as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014 and within a Conservation Area.

Policy GP1 of the Local Development Plan sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that "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" and "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".

Policies SP13 and EQ1 of the LDP require that development preserves and enhances the historic environment.

Paragraph 2.2 of Technical Advice Note 12 Design (2014) 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 (2014) 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. 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.

Policy SP1 Sustainable Places and Spaces refer to distributing development to sustainable location in accordance with the settlement framework and promotes the efficient use of land. Integrating with the character and amenity of the area is also referred to.

Policy SP3 Sustainable Distribution – Settlement Framework outlines the growth areas for the County of which Drefach is within the Cross Hands-Ammanford growth area. Provision for growth and development will be at sustainable locations in accordance with the Settlement Framework.

Policy SP5 Housing outlines the targets for housing provision and indicates this will be through allocated site but indicates this will not all be achieved through housing allocations.

Policy GP3 Planning Obligations states that the Council will, where necessary seek developers to enter into Planning Obligations to secure contributions to fund improvements to various community benefits.

Policy H2 Housing within Development Limits states that proposals for housing developments on unallocated sites within the development limits of a defined settlement will, where they are not subject to the provisions be permitted, provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 Affordable Housing indicates that a contribution to affordable housing will be required on all housing sites and below the 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.). In the Ammanford-Cross Hands area this is £40.48 per sq.m.

Policy TR3 Highways in Developments - Design Considerations outlines a number of matters to be considered included suitable access and parking and to ensure highway safety is not adversely affected for users of the roads/streets.

ASSESSMENT

The submitted details and the case officer's inspection of the site suggest that a dwelling can be comfortably accommodated within the plot whilst ensuring that neighbouring occupiers are not subjected to unacceptable overlooking or overshadowing. Furthermore adequate separation distances could be achieved with a sensitively designed dwelling to ensure there is no significant physical overbearance on the two adjoining dwellings. Detailed proposals will need to be assessed at reserved matters stage and this will also include the design of the dwelling and whether it is consistent and acceptable in the context of the character and appearance of the area. It is noted that the immediate properties primarily two story dwellings of varying designs. Therefore it is considered that a two storey dwelling of consistent scale, external appearances and character to the surroundings can be accommodated on this plot without harming the character and appearance of the area.

The Head of Highways has responded raising no objection subject to planning conditions requiring parking, access and visibility to required standards.

DCWW have raised no objection to a dwelling at this location subject to their standard advice and also a requirement that the proposal maintains a distance of 3m from water main that runs to the rear of the site. Given the location of this pipe relative to the size of the plot it is considered that a dwelling could comfortably maintain this separation distance.

No ecological issues have been raised by the Council's Planning Ecologist.

THIRD PARTY REPRESENTATIONS

There have been no third party representations.

CONCLUSION

After careful consideration of the site and surrounding environs, it is considered that the proposal is acceptable and complies with the relevant policies.

As such the application is put forward with the recommendation of approval subject to a legal agreement requiring financial commitment that contributes towards affordable housing provision in the area.

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 Block and Location Plan 1:500, 1:1250 @A4 and the Statement of Scale Parameters received on 25th June 2018.

- 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 access; appearance; landscaping; layout; and scale of each building stated in the application 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 existing ground levels of the site and adjacent properties shall be submitted as part of any reserved matters application.
- 6 No development shall commence until full details of the boundary treatments have been submitted to and approved in writing by Local Planning Authority. The boundary treatments shall be implemented as agreed prior to the beneficial use of the dwelling.
- 7 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Service) Typical Layout No. 3 prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 8 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.
- 9 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 10 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 Heol Caegwyn Road frontage within 2.4 metres of the near edge of the carriageway.
- 11 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.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 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 In the interest of visual and general amenity and highway safety.
- 5-6 In the interests of residential amenity.
- 7-11 In the interests of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposed development complies with Policy H2, GP1, GP3, AH1, TR3, SP14, and EQ4 of the adopted Local Development Plan in that the development is within the settlement limits, the indicative layout and scale of the development do not give rise to significant detrimental impacts in terms of highway safety, ecological, amenity, landscape or utility concerns subject to the conditions recommended. Sufficient provision towards affordable housing has been commitment to subject to a legal agreement. It is not considered that there would be any significant impacts on amenity or privacy of nearby properties.

NOTE(S)

- 1 The applicant is advised that this planning permission is subject to the applicant/developer first entering in to a Section 106 Agreement/Unilateral Undertaking for the provision of a financial contribution towards affordable housing.
- 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 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.

- 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).